



ZONING ORDINANCE

The following ordinances and dates trace the development of the current City of Bedford Zoning Ordinance over the years. The brief key word phrases following the ordinance numbers are for reference purposes only. For more detailed information, the complete ordinances should be reviewed.

Original Comprehensive Zoning Ordinance #29

- Revised May 11, 1976 – Ordinance #322 (add ZBA alternate members)
- Revised March 22, 1983 – Ordinance # 713 (MF unit size of apartments)
- Revised October 25, 1983 – Ordinance #770 (add CBD Overlay District)
- Revised March 13, 1984 – Ordinance #803 (Masonry construction, MD-3 and MD-4 Site Plans, 2 car garages)
- Revised September 25, 1984 – Ordinance #842 (Site Development Plan)
- Revised December 9, 1986 – Ordinance #970 (Temporary Uses)
- Revised February 24, 1987- Ordinance #978 (Outside Sales and Storage)
- Revised April 28, 1987 – Ordinance # 993 (Pedestrian path in Outside Sales)

Revised August 9, 1988 – Ordinance #1087 (numerous major revisions)

- Revised March 14, 1989 – Ordinance #1115 (revised Permitted Uses)
- Revised June 12, 1990 – Ordinance #1183 (Antennas and Towers)
- Revised July 23, 1990 – Ordinance #1186 (Commercial screening and landscaping)
- Revised July 23, 1991 – Ordinance #2016, 2017 (Sexually Oriented Business regulations)
- Revised August 27, 1991 – Ordinance #2019 (Temporary Buildings at churches and schools)
- Revised November 26, 1991 – Ordinance #2031 (Gun Shops and Pawn Shops SUP)
- Revised September 22, 1992 – Ordinance #2067 (Drive through restaurant SUP)
- Revised July 12, 1994 – Ordinance #2167 (Rehabilitation Care Facilities)
- Revised March 28, 1995 – Ordinance #2225 (Exterminating Services SUP in "I")
- Revised April 11, 1995 – Ordinance #2230 (3/4 City Council vote for supermajority)
- November 28, 1995 – Ordinance #2275 (Replaced and restated Ordinance #29 as amended)**
- Revised September 24, 1996 – Ordinance #2331 (location of Antennas and Towers)
- Revised January 14, 1997 – Ordinance #2343 (Cheek Sparger Entrance District)
- December 9, 1997 – Ordinance #2412 (Side and Rear Yards, Special Exceptions, Carport regulations)
- Revised February 24, 1998 – Ordinance #2419 (Highway Corridor Overlay District)
- Revised March 10, 1998 – Ordinance #2421 (Hotels SUP in "H", government fee exemptions)
- Revised October 12, 1999 – Ordinance #2516 (revise masonry definition, Variance criteria)

Reformatted Zoning Ordinance March, 2000 (no text changes)

- Revised Sept. 5, 2000 – Ord. #00-2569 (Home Occupations, Accessory buildings, Com. screening 3 yr. ext.)
- Revised October 23, 2001 – Ordinance #01-2619 (A-001) (Auto sales in HC Overlay District)
- Revised October 8, 2002 – Ordinance #02-2660 (A-002) (revised "S" permitted uses)
- Revised October 22, 2002 – Ordinance #02-2661 (A-003) (Clothing Containers)
- Revised October 14, 2003 – Ordinance #03-2706 (A-005) (Alternate Screening Options)
- Revised December 12, 2004 – Ordinance #04-2770 (A-006) (Administrative approvals, SUP business names)
- Revised May 24, 2005 – Ordinance #05-2784 (A-008) (HC Overlay District revisions)
- Revised October 29, 2006 – Ordinance #06-2824 (A-009) (Storage Containers)
- Revised June 27, 2006 – Ordinance #06-2825 (A-010) Masonry Screening Alternatives
- Revised February 27, 2007 – Ordinance #07-2845 (A-12) (Outside Seating)
- Revised August 28, 2007 - Ordinance #07-2862 (A-14) (Retail Kiosk)
- Revised February 26, 2008 – Ordinance #08-2875 (A-15)(Oil & Gas Drilling)
- Revised May 13, 2008 – Ordinance # 08-2882 (A-009.1) (Storage containers)
- Revised March 26, 2008 – Ordinance # 08-2875 (A-015) (Gas/Oil Well Drilling)
- Revised September 23, 2008 - Ordinance # 08-2895 (A-16)(Tattoo and Body Piercing Shop)
- Revised January 27, 2009 - Ordinance # 09-2918 (A-17)(Parking Schedule Amendment)
- Revised February 10, 2009 - Ordinance # 09-2920(A018)(Covered Parking Amendment)
- Revised July 7, 2009 – Ordinance #09-2934(A-019)(Certificate of Occupancy Amendment)
- Revised July 7, 2009 – Ordinance # 09-2935 (A-020)(Temporary Use and Special Events)
- Revised November 9, 2010 - Ordinance # 10-2984 (A-025)(Micro-Winery/Brew Pub)
- Revised April 12, 2011 – Ordinance # 11-2994 (A-027)(Community Gardens)
- Revised January 10, 2012 - Ordinance # 13-3016 (A-028)(Wireless Antennas)
- Revised April 23, 2013 – Ordinance #13-3056 (Master Highway Corridor Overlay)
- Revised August 13, 2013 – Ordinance #13-3064 (Group Homes)
- Revised November 26, 2013 – Ordinance #13-3078 (Shopping Center Definition)
- Revised January 14, 2014 – Ordinance #14-3079 (Master Highway Corridor Overlay District Amendment)
- Revised April 22, 2014 – Ordinance #14-3089 (Tobacco Products Store Amendment)
- Revised November 8, 2016 – Ordinance #16-3187 (Health & Athletics Clubs Amendment)
- Revised April 24, 2018 – Ordinance #18-3224 (Clothing Donation Containers Amendment)
- Revised February 12, 2019 – Ordinance #19-3242 (Multi-Family District Text Amendment)
- Revised March 12, 2019 – Ordinance #19-3246 (Permanent Cosmetics Salon Text Amendment)

Notes

Revised September 24, 2019 – Ordinance #19-3267 (Clothing Donation Containers Amendment)

Amendments Incorporated Through September, 2019

Table of Contents

Notes

Table of Contents	i
Chapter 1. Introduction And Definitions.....	1-1
Section 1.1 Introduction	1-1
1.1.A Introduction.....	1-1
1.1.B Source	1-1
Section 1.2 Definitions	1-1
1.2.A Purpose	1-1
1.2.B Definitions.....	1-1
Chapter 2. General Provisions	2-1
Section 2.1 Establish Districts: Provision for Official Zoning Map	2-1
2.1.A Official Zoning Map	2-1
2.1.B Replacement of Official Zoning Map	2-1
2.1.C Boundary Rules	2-1
Section 2.2 Applications of District Regulations	2-2
2.2.A Generally	2-2
2.2.B Conformance With Regulations.....	2-2
2.2.C Yard, Open Space Or Off Street Parking.....	2-2
2.2.D Minimum Requirements	2-2
2.2.E Annexation.....	2-2
Section 2.3 Nonconformities	2-2
2.3.A Intent	2-2
2.3.B Nonconforming Lots of Record.....	2-3
2.3.C Nonconforming Use of Land.....	2-3
2.3.D Nonconforming Structures	2-3
2.3.E Nonconforming Uses of Structures.....	2-4
2.3.F Repairs and Maintenance	2-4
2.3.G Status of Special Exception Uses.....	2-4
Chapter 3. Permitted Uses	3-1
Section 3.1 Schedule of Permitted Uses	3-1
Section 3.2 Explanation of Uses and Specific Use Permit Requirements	3-9
3.2.A Purpose	3-9
3.2.B Specific Use Permit Requirements.....	3-9
3.2.C Permitted Uses	3-9
Section 3.3 Classification Of New And Unlisted Uses	3-34
3.3.A Generally	3-34
Chapter 4. Zoning District Regulations	4-1
Section 4.1 "R-15,000" Single-Family Residential Detached District	4-1
4.1.A Purpose	4-1
4.1.B Use Regulations	4-1
4.1.C Height And Area Regulations	4-3
4.1.D Total Lot Coverage	4-3
4.1.E Parking Requirements	4-3
4.1.F Special Exceptions.....	4-3

Section 4.2	"R-9,000" Single-Family Residential Detached District	4-4
4.2.A	Purpose.....	4-4
4.2.B	Use Regulations.....	4-4
4.2.C	Height And Area Regulations.....	4-4
4.2.D	Total Lot Coverage.....	4-4
4.2.E	Parking Regulations.....	4-4
4.2.F	Special Exceptions.....	4-4
Section 4.3	"R-7,500" Single-Family Residential Detached District	4-5
4.3.A	Purpose.....	4-5
4.3.B	Use Regulations.....	4-5
4.3.C	Height And Area Regulations.....	4-5
4.3.D	Total Lot Coverage.....	4-5
4.3.E	Parking Regulations.....	4-5
4.3.F	Special Exceptions.....	4-5
Section 4.4	"R-6,500" Single-Family Residential Detached District	4-6
4.4.A	Purpose.....	4-6
4.4.B	Use Regulations.....	4-6
4.4.C	Height And Area Regulations.....	4-6
4.4.D	Total Lot Coverage.....	4-6
4.4.E	Parking Regulations.....	4-6
4.4.F	Special Exceptions.....	4-6
Section 4.5	"MD-1" Medium-Density Residential -Duplex District	4-7
4.5.A	Purpose.....	4-7
4.5.B	Use Regulations.....	4-7
4.5.C	Height And Area Regulations.....	4-7
4.5.D	Total Lot Coverage.....	4-7
4.5.E	Parking Regulations.....	4-7
4.5.F	Special Exceptions.....	4-7
Section 4.6	"MD-2" Medium-Density Residential – Triplex/Quadruplex District	4-8
4.6.A	Purpose.....	4-8
4.6.B	Use Regulations.....	4-8
4.6.C	Accessory Buildings and Structures.....	4-8
4.6.D	Site Plan.....	4-8
4.6.E	Height And Area Regulations.....	4-8
4.6.F	Parking Regulations.....	4-8
Section 4.7	"MD-3" Medium-Density Residential - Single-Family Detached District	4-9
4.7.A	Purpose.....	4-9
4.7.B	Use Regulations.....	4-9
4.7.C	Total Lot Coverage.....	4-9
4.7.D	Development Standards.....	4-9
4.7.E	Alternates to Development Standards.....	4-10
4.7.F	Conceptual Plan.....	4-10
4.7.G	Platting.....	4-11
Section 4.8	"MD-4" Medium-Density Single-Family Attached District	4-12
4.8.A	Purpose.....	4-12
4.8.B	Use Regulations.....	4-12
4.8.C	Development Standards.....	4-12
4.8.D	Alternates to Development Standards.....	4-13
4.8.E	Site Plan.....	4-13
4.8.F	Platting.....	4-13
Section 4.9	"MF" Multi-Family Residential District	4-15
4.9.A	Purpose and Intent.....	4-15
4.9.B	Permitted Uses.....	Error! Bookmark not defined.
4.9.C	Accessory Uses.....	Error! Bookmark not defined.
4.9.D	Specific Use Permits.....	Error! Bookmark not defined.
4.9.E	Development Regulations.....	Error! Bookmark not defined.
4.9.F	Usable Open Space.....	Error! Bookmark not defined.



4.9.G	Site Plan.....	4-17
4.9.H	Approval of Zoning.....	4-18
4.9.I	Special Exception Uses.....	4-18
Section 4.10 "M" Mobile-Home Park District		4-18
4.10.A	Purpose.....	4-18
4.10.B	Use Regulations.....	4-18
4.10.C	Application.....	4-18
4.10.D	Location.....	4-18
4.10.E	Parking Regulations.....	4-18
4.10.F	Development Standards.....	4-18
4.10.G	Site Plan.....	4-19
Section 4.11 "S" Service Commercial District		4-20
4.11.A	Purpose.....	4-20
4.11.B	Use Regulations.....	4-20
4.11.C	Height and Area Regulations.....	4-20
4.11.D	Parking Regulations.....	4-20
4.11.E	Landscaping.....	4-20
4.11.F	Site Plan.....	4-20
Section 4.12 "L" Light Commercial District		4-21
4.12.A	Purpose.....	4-21
4.12.B	Use Regulations.....	4-21
4.12.C	Height and Area Regulations.....	4-21
4.12.D	Parking Regulations.....	4-21
4.12.E	Landscaping.....	4-21
4.12.F	Special Exceptions.....	4-21
4.12.G	Site Plan.....	4-21
Section 4.13 "H" Heavy Commercial District		4-22
4.13.A	Purpose.....	4-22
4.13.B	Use Regulations.....	4-22
4.13.C	Height And Area Regulations.....	4-22
4.13.D	Parking Regulations.....	4-22
4.13.E	Landscaping.....	4-22
4.13.F	Special Exceptions.....	4-22
4.13.G	Site Plan.....	4-22
Section 4.14 "I" Light Industrial District		4-23
4.14.A	Purpose.....	4-23
4.14.B	Use Regulations.....	4-23
4.14.C	Height and Area Regulations.....	4-23
4.14.D	Parking Regulations.....	4-23
4.14.E	Landscaping.....	4-23
4.14.F	Special Exceptions.....	4-23
4.14.G	Site Plan.....	4-23
Section 4.15 "PUD" Planned Unit Development District		4-24
4.15.A	Purpose.....	4-24
4.15.B	Height, Area and Density Regulations.....	4-24
4.15.C	Lot Coverage.....	4-24
4.15.D	Parking Regulations.....	4-24
4.15.E	Application.....	4-24
4.15.F	Procedure For Establishing Standards.....	4-25
4.15.G	Development Schedule.....	4-25
4.15.H	Development Plan Required.....	4-25
Section 4.16 "CBD" Central Business District Overlay		4-27
4.16.A	Purpose.....	4-27
4.16.B	Site Plan.....	4-27
Section 4.17 Reserved		4-28
Section 4.18 "MHC" Master Highway Corridor Overlay District		4-29



4.18.A	Purpose.....	4-29
4.18.B	Boundary of Area	4-29
4.18.C	Use Regulations	4-29
4.18.D	Prohibited Uses:	4-30
4.18.E	Restricted Uses:	4-31
4.18.F	Height and Area Regulations.....	4-31
4.18.G	Parking Regulations and Traffic Circulation	4-32
4.18.H	Landscaping and Screening Regulations.....	4-33
4.18.I	Development Standards	4-34
4.18.J	Site Plan.....	4-35
4.18.K	Non-Conforming Situations.....	4-36
Chapter 5. Supplemental District Regulations		5-1
Section 5.1 Height and Area Regulations		5-1
5.1.A	Height and Area Schedule.....	5-1
5.1.B	Additional Height and Area Regulations	5-2
5.1.C	Heights Exceeding Thirty Five Feet	5-4
5.1.D	Building On Corner Lots	5-4
Section 5.2 Parking And Loading Regulations		5-4
5.2.A	General Provisions	5-4
5.2.B	Schedule of Parking Requirements.....	5-5
5.2.C	Minimum Dimensions For Off-Street Parking.....	5-8
5.2.D	Off-Street Loading Space Requirements	5-8
5.2.E	Stack Space Requirements	5-9
5.2.F	Handicapped Parking Spaces.....	5-9
Section 5.3 Specific Use Permits		5-10
5.3.A	Purpose.....	5-10
5.3.B	Procedure.....	5-10
5.3.C	Duration of Specific Use Permit	5-10
5.3.D	Conditions	5-10
5.3.E	Compliance	5-10
5.3.F	Revisions To A Specific Use Permit.....	5-11
5.3.G	Board Of Adjustment	5-11
Section 5.4 Site Plan Requirements		5-11
5.4.A	Generally.....	5-11
5.4.B	Site Plan Required	5-11
5.4.C	Notice And Hearing	5-11
5.4.D	Form And Content	5-12
5.4.E	Consideration	5-14
Section 5.5 Screening Requirements		5-14
5.5.A	Fences, Walls, and Hedges	5-14
5.5.B	Fences Abutting Incompatible Districts	5-14
5.5.C	Screening of Auto Storage Areas	5-15
5.5.D	Screening of Exposed Mechanical Units, Dumpsters & Permanent Recycling Containers	5-15
5.5.E	Nonconforming Screening	5-15
5.5.F	Masonry Construction.....	5-17
Section 5.6 Landscaping Requirements		5-17
5.6.A	Purpose.....	5-17
5.6.B	Landscape Installation Required.....	5-18
5.6.C	Landscape Plan Required	5-18
5.6.D	Locational Criteria	5-18
5.6.E	Credits Toward Landscaping Requirements	5-19
5.6.F	Installation and Maintenance	5-19
5.6.G	Landscaping of Parking Lots	5-20
5.6.H	Certificate Of Occupancy.....	5-20
5.6.I	Nonconforming Uses and/or Structures	5-20
5.6.J	Relief From Landscaping Requirements	5-20
Section 5.7 Visibility at Intersections		5-21



5.7.A	Visibility At Intersections	5-21
Section 5.8	Masonry Construction	5-21
5.8.A	Standard Masonry Construction	5-21
5.8.B	Standard Masonry Construction Defined	5-21
Section 5.9	Outside Sales and/or Storage of Merchandise	5-22
5.9.A	Purpose	5-22
5.9.B	Permit Required	5-22
5.9.C	Administrative Approval	5-22
5.9.D	ZBA Approval	5-22
5.9.E	Content of Application	5-22
5.9.F	Exemptions	5-22
5.9.G	Conditions	5-23
Section 5.10	Temporary Uses And Events	5-23
5.10.A	Purpose	5-23
5.10.B	Permitted Temporary Uses	5-23
5.10.C	Civic Events and Special Events	5-24
5.10.D	Contents of Application	5-25
5.10.E	Administrative Approval	5-25
5.10.F	ZBA Approval	5-25
5.10.G	Parades	5-25
Section 5.11	Antenna Facilities	5-25
5.11.A	Purpose	5-25
5.11.B	Definitions	5-26
5.11.C	Amateur Antennas Residential Districts	5-26
5.11.D	Commercial Antennas in Residential Districts	5-28
5.11.E	Commercial Or Industrial Zoned Districts	5-29
5.11.F	Written Report Upon Denial of Request	5-30
5.11.G	Satellite Receive-Only Antennas Generally	5-30
5.11.H	Satellite Receive - Only Antennas	5-30
5.11.I	Satellite Receive-Only Antennas	5-31
5.11.J	Special Exception	5-31
Section 5.12	Home Occupations	5-33
5.12.A	General	5-33
Section 5.13	Clothing Donation and Paper Recycling Containers	5-33
5.13.A	Clothing Donation Containers	5-33
5.13.B	Paper Recycling Containers	Error! Bookmark not defined.
Section 5.14	Storage Containers	5-36
5.14.A	Purpose	5-36
5.14.B	General Regulations	5-36
5.14.C	Commercial Storage Container Regulations	5-37
5.14.D	Residential Storage Container Regulations	5-37
Chapter 6.	Procedures and Zoning Board of Adjustment	6-1
Section 6.1	Administration & Enforcement	6-1
6.1.A	Official	6-1
6.1.B	Duties of the Enforcing Officer	6-1
6.1.C	Violations	6-1
6.1.D	Building Permits Required	6-1
6.1.E	Certificates of Occupancy	6-1
6.1.F	Conformance With Permits	6-2
6.1.G	Replat Required	6-2
Section 6.2	Duties of Administrative Official, Board of Adjustment, City Council, and Courts on Matters of Appeal	6-3

6.2.A	Procedure.....	6-3
6.2.B	Duties of City Council	6-3
Section 6.3	Procedure for Changes & Amendments	6-3
6.3.A	Denial By Planning And Zoning Commission.....	6-3
6.3.B	Authorized Reasons for Requests	6-3
6.3.C	Procedure.....	6-3
6.3.D	Expiration of Application For Rezoning	6-4
Section 6.4	Board Of Adjustment: Procedure	6-4
6.4.A	Establishment Of Board.....	6-4
6.4.B	Proceedings of the Board Of Adjustment	6-4
6.4.C	Hearings; Appeals; Notice	6-5
6.4.D	Stay of Proceedings	6-5
Section 6.5	The Board of Adjustment: Powers and Duties	6-5
6.5.A	Administrative Review	6-5
6.5.B	Special Exceptions	6-5
6.5.C	Variances and Procedures	6-6
6.5.D	Decisions of the Board of Adjustment	6-7
6.5.E	Reconsideration of a Denied Variance or Special Exception.....	6-7
6.5.F	Reapplication for a Denied Variance or Special Exception.....	6-7
Section 6.6	Appeals From the Board of Adjustment	6-7
Section 6.7	Repeal	6-7
Section 6.8	Separability Clause	6-7
Section 6.9	Penalties for Violation	6-7
6.9.A	Generally.....	6-7
6.9.B	Complaints Regarding Violations	6-8
Section 6.10	Schedule of Fees, Changes, and Expenses	6-8
6.10.A	Establishment of Fees	6-8



Chapter 1. Introduction And Definitions

Section 1.1 Introduction

1.1.A INTRODUCTION

The purpose of this Ordinance is to promote the health, safety, and general welfare of the community. The zoning regulations herein established have been designed to:

- (1) Promote compliance with the planning principles and land use patterns developed in the Comprehensive Land Use Plan.
- (2) Prevent adverse or undesirable effects incompatible uses of land.
- (3) Assure sufficient, suitable land for future development.
- (4) Protect and improve the physical environment.
- (5) Protect and maintain property values.
- (6) Ensure that land uses are properly situated in relation to one another.
- (7) To guide public and private policy and action and control density so that property can be adequately serviced by public services and facilities; and
- (8) Preserve and develop the community's economic base.

1.1.B SOURCE

The following regulations are developed and enforced in order to promote development and redevelopment in Bedford that is in compliance with the Comprehensive Land Use Plan as adopted by the City of Bedford in December, 1993 and amended April, 1995. The following sources have been utilized in the development of these regulations:

- (1) The Comprehensive Land Use Plan for the City of Bedford, Texas, Revised in 1995;
- (2) A Survey of Zoning Definitions, edited by Tracy Burrows, published by the American Planning Association, copyright December, 1989.

Section 1.2 Definitions

1.2.A PURPOSE

The following words, when used in this ordinance, shall have the meanings respectively ascribed in this section unless the context of this ordinance clearly indicates otherwise. For definitions of permitted uses see Section 7, "Explanations of Uses and Specific Use Permit Requirements".

1.2.B DEFINITIONS

Certain terms and words are herewith defined as follows:

ACCESSORY BUILDING OR USE - A building or use which is:

- (1) Subordinate to and serves a principal building or principal use.
- (2) Subordinate in area, extent, or purposes to the principal building or principal use served.
- (3) Contributes to the comfort, convenience and necessity of the occupants of the building or principal uses served;
- (4) Located on the same lot as the principal use served.

"Accessory" shall have the same meaning as accessory use. "Subordinate" shall mean that twenty percent (20%) or less of the area, extent or purpose of the principal use of the property.

ALLEY - A minor way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting a street.

ANTENNA - An arrangement of wires, rods, poles, etc. used in transmitting and receiving signal energy.

APARTMENT - A room or suite of rooms in an apartment house arranged, designed or occupied as the residence by a single family, individual, or group of individuals.

AREA OF THE LOT - The area of the lot shall be the "net area" of the lot not to include portions of streets or alleys.

BASEMENT - A story below the first story (as defined under "Story") counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

BILLBOARD - A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BLOCK - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Inspector shall determine the outline of the block.

BUILDING - Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind.

BUILDING LINE - The minimum distance a building must be from the street or property line.

BUSINESS - Includes local retail, commercial, industrial, and manufacturing uses and districts as in Section 3.2, Explanations of Uses and Specific Use Permit Requirements.

CARPORT - A structure with at least two sides open or partially open to the elements, composed of wood, concrete, stucco, canvas, or other material, supported by columns or poles erected on a permanent or non-permanent foundation for the purpose of covering a vehicle and protecting it from the sun, rain, or inclement weather, including portable canvas enclosures (regardless of the number of sides open to the elements) used to protect a vehicle from the elements.

CELLAR - That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

CENTRAL BUSINESS DISTRICT - The land area bounded by Bedford Road on the north and northwest, Airport Freeway on the south and Murphy Drive on the east. The area is recognized as being the central commercial area for the City of Bedford.

CLUSTER HOMES - A detached, single-family residential development pattern in which the dwelling units are grouped or "clustered", rather than spread evenly throughout a parcel as in conventional lot-by-lot development. The remaining land may be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

COMMUNITY CENTER - A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals or general welfare of the public.

COURT - An open unoccupied space other than a yard on the same lot as a building; and is bounded on three (3) or more sides by the building.

DENSITY - The number of dwelling units per net acre of land. (Net acre shall include that area of land excluding area used for public right-of-way, flood-way, and area dedicated as parkland).

DEPTH OF LOT - The mean horizontal distance between the front and rear lot lines.

DEPTH OF REAR YARD - The mean horizontal distance between the rear line of a building other than an accessory building, and the rear lot line except as modified in the text of any section of this ordinance.

DISTRICT - A section of the city for which the regulations governing the area, and use of buildings are uniform for each type and class of structure.

EASEMENT - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

EFFICIENCY APARTMENT - An apartment having a combination living and bedroom (no separate bedroom).

EVENT, CIVIC – A public gathering sponsored by a non-profit organization, or special interest agency or group, not including a governmental entity, for the temporal good of the community and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event, including, but not limited to parades, arts and crafts shows/fairs, weddings and wedding receptions, fundraisers, photographic/promotional activities, block parties, theatrical exhibition, musical performance, public show, entertainment, amusement or other exhibition held on property not owned or controlled by the City of Bedford.

EVENT, SPECIAL - A public gathering sponsored by a for-profit organization for commercial gain or promotion of a product or service and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event.

FAMILY:

- (1) Persons related by genetics, adoption, or marriage.
- (2) A group of six (6) or fewer unrelated persons living together and occupying a single housekeeping unit with single kitchen facility.
- (3) Provided however no more than eighteen (18) persons may reside together without receipt of a specific use permit.

FENCE - A barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls.

FLOOR AREA PER DWELLING UNIT - The total number of square feet of habitable floor space contained within a dwelling unit exclusive of porches, breezeways, carports, garages, and storage areas not directly accessible from within the dwelling unit.

FRONT YARD- An open, unoccupied space on a lot facing a street between a building and a street line. If no building exists, a front yard is an open unoccupied space facing a street and adjacent thereto.

GARAGE, PRIVATE - A building or a portion of a building in which motor vehicles are stored by the occupants of a building on the premises. Specific size requirements are set forth in Section 4.1, R-15,000 Single-Family Residential Detached District through Section 4.9, MF Multi-Family Residential District of this Ordinance.

GARAGE, PRIVATE/DETACHED - A stand-alone building on the same lot as a primary residential building in which motor vehicles are stored only by the occupants of the residential structure on the premises. Detached garages may have a breezeway or covered walkway as long as there is no common wall or shared attic space between the primary residential structure and the detached garage.

GARAGE, PRIVATE/ATTACHED - A building or a portion of a building in which motor vehicles are stored by the occupants of a primary residential building which is attached with either a common wall or shared attic space to the primary residential building.

GARAGE, PUBLIC - A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, and is operated for commercial purposes.

GARAGE, STORAGE - A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

GRADE:

- (1) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street.
- (3) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground contained within five (5) feet from the exterior wall of the building.
- (4) Any wall approximately parallel to and not more than ten (10) feet from a right-of-way line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Inspector shall establish such sidewalk level or its equivalent for the purpose of these regulations.

HANDICAPPED - The term "handicapped" shall mean having:

- (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently.
- (2) A record of having such an impairment; or
- (3) Being regarded as having impairment.

However, "handicapped" shall not include current illegal use of or addition to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

HEIGHT OF BUILDINGS - The vertical distance measured from the street curb level of the mean street grade if no curb exists, or the average finish ground level within five (5) feet of the building, whichever is higher, to the highest point of the building. In measuring the height of the building the following structures shall be excluded: chimneys, cooling towers, radio antennas, ornamental cupolas or spires, elevator bulk heads, tanks, water towers and parapet walls (not exceeding four (4) feet in height). In measuring the height of a building having a roof inclining more than one inch (1") per foot, the highest point of the building shall be the mean height level of the top of the main plates and highest ridge.

IMPERVIOUS SURFACE - Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

JUNK - Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used tires, and other materials that are so worn, deteriorated or obsolete making them unusable in their existing condition, subject to being dismantled for scrap, recycling and or resale.

LEGAL NONCONFORMING USE, BUILDING OR YARD - A use, building, or yard existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimension conform to the regulations of the district in which it is situated. A use, building, or yard established after the passage of this ordinance, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use.

LANDSCAPING PLANTING - A combination of live plant material. Landscape planting shall not include the use of smooth concrete or asphalt except when used as a minor portion of the total area and in conjunction with the overall design.

LOT - A parcel of land occupied or to be occupied by one building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this ordinance, and having its principal frontage on a public street or a place.

LOT, CORNER - A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

LOT, INTERIOR - A lot whose side lines do not abut on any street.

LOT, THROUGH - An interior lot having frontage on two streets.

LOT LINES - The lines bounding a lot as defined herein.

LOT LINE, FRONT - The boundary between a lot and the street on which it fronts.

LOT LINE, REAR - The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

LOT LINE, SIDE - Any lot boundary line, which is not a front or rear line. A side line may be a party lot line, a line bordering on an alley, or side street line.

LOT WIDTH - The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this ordinance.

LOT OF RECORD - A lot as described and shown on an approved plat which has been recorded in the office of the County Clerk.

MAST - The center of an antenna tower upon which antennas are fastened.

NONCONFORMING USE, BUILDING OR YARD - See Legal Nonconforming Use, Building or Yard.

OPEN SPACE - Area included in any side, rear, or front yard, or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

PARKING LOT - An area not within a building where motor vehicles may be stored for the purpose of temporary, daily, or overnight off street parking.

PARKING SPACE - An area on a lot, and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street.

PLANNED UNIT DEVELOPMENT "PUD" - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities; buildings open spaces, and other site features and improvements.

PLAT - A map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties and/or lots. A **PRELIMINARY PLAT** provides information necessary to determine if a proposed subdivision conforms to the subdivision regulations and lot size requirements, lot area requirements, building setbacks, etc., of the Zoning Ordinance. A **FINAL PLAT** is a device for officially and permanently recording lot divisions and street, easement, and other public rights-of-way locations and dedications of a subdivision.

RADIO EQUIPMENT - The antenna, tower and mast, or any combination thereof, used to transmit and/or receive signal energy.

RESIDENCE - A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for single cooking facility, ventilating, heating and lighting are under one control and which shall include single-family dwellings, which shall be the principal building on any lot in residential districts.

RIGHT-OF-WAY - An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

SATELLITE RECEIVE-ONLY ANTENNA - An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are

commonly known as a satellite dish, television receive-only antenna, dish antenna, or parabolic antenna.

SCREENING - A device or material used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of walls, berms, or plantings of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

SECONDARY USE - A collateral use of land or buildings that is not necessarily incidental or related to the main use and that does not constitute a majority of the employment, area or revenues of the combined uses.

SERVANTS QUARTERS - An accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

SETBACK - The minimum horizontal distance between the walls of the building and the property lines excluding any projection of the building, steps, unenclosed porches, and cornices.

SHOPPING CENTER - Provides for a unified grouping, in one or more buildings whether connected or not, of retail shops, stores, and offices which are planned and developed as an operating unit.

SITE PLAN - A plan of a particular piece of land showing the locations of buildings, parking areas, driveways, screening (if required), landscape planting, existing or proposed topography, and all other physical features as may be pertinent. Site plan requirements are contained within Section 5.4, Site Plan Requirements.

SPECIAL EXCEPTION - A use or structure which does not specifically, or without special restriction, conform to the regulations of the zoning district in which it is located, but which if controlled as to number, area, location, or relation to the neighborhood is deemed to promote the health, safety, morals, or general welfare of the City, and for which a special exception or condition has been approved by the Zoning Board of Adjustment under the special exceptions allowed under this Ordinance by City Council.

STORY - That part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade or average ground level, as mentioned in "Height of Buildings" of this section.

STREET - A thoroughfare, which affords principal means of access to property abutting thereon.

STREET LINE - The dividing line between the street and the abutting property.

STRUCTURE - Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, including but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

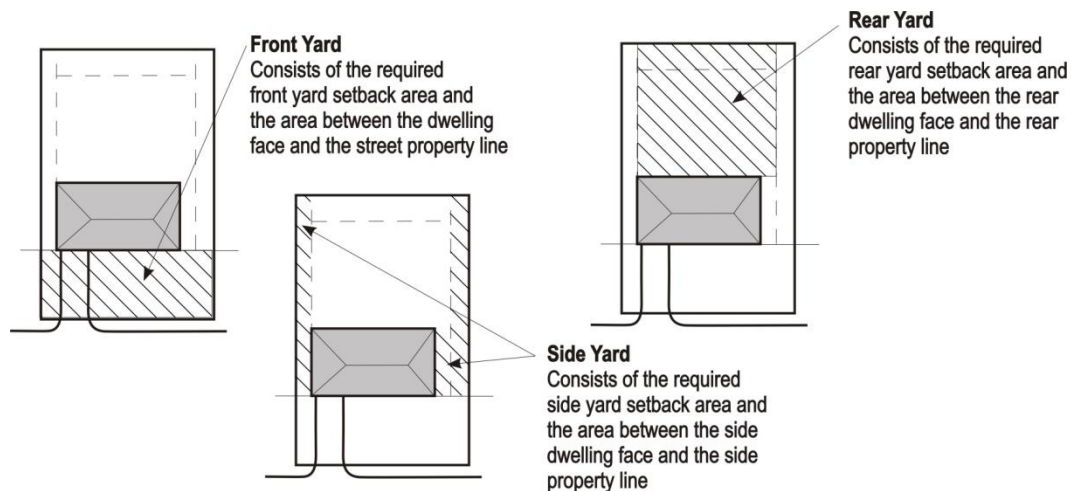
STORAGE CONTAINER - A self enclosed, standardized, reusable vessel that is or appears to be:

- (1) Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or
- (2) Designed for or capable of being mounted or moved on a rail car, and/or
- (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship, and/or
- (4) Other portable containers designed for temporary storage of articles or goods, including but not limited to portable-on-demand (POD) storage containers.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

SUBDIVISION - The process of dividing a parcel of raw land into smaller buildable sites, blocks, lots, streets, and other public areas and rights-of-way which result in a FINAL PLAT that graphically depicts all of the above items.

TEMPORARY USE - A use or structure which does not conform to the regulations of the zoning district in which it is located but which is deemed to promote the health, safety, morals, or general welfare of the City, and for which time specific plans for discontinuation, abandonment, or removal have been approved by the official or governing body designated in this Ordinance by Section 5.10, "Temporary Uses".



TOWER - The structure upon which antennas and masts are placed.

VARIANCE - A relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

WALL - A barrier composed of native stone, brick, pre-cast concrete panels with decorative finish, or decorative masonry unit.

YARD - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

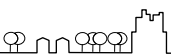
YARD, FRONT - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR - A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, SIDE - The required side yard setback from the front yard setback to the rear property line and the area between the side faces of the building and the side property line.

Notes

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Chapter 2. General Provisions

Section 2.1 Establish Districts: Provision for Official Zoning Map

2.1.A OFFICIAL ZONING MAP

- (1) The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- (2) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance Number 29 and subsequent amendments thereto, of the City of Bedford, Texas", together with the date of the adoption of the ordinance.
- (3) The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any unauthorized change of any kind in the Official Zoning Map by any person is prohibited.
- (4) The Official Zoning Map shall be located in the Bedford City Hall.

2.1.B REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

2.1.C BOUNDARY RULES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of street, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated, as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections (1) through (6) above, the City Council shall interpret the district boundaries.

Section 2.2 Applications of District Regulations

2.2.A GENERALLY

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereafter provided:

2.2.B CONFORMANCE WITH REGULATIONS

No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

No building or other structure shall hereafter be erected or altered:

- (1) To exceed the height.
- (2) To accommodate a greater number of families.
- (3) To occupy a greater percentage of lot area.
- (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

2.2.C YARD, OPEN SPACE OR OFF STREET PARKING

No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

2.2.D MINIMUM REQUIREMENTS

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

2.2.E ANNEXATION

All territory, which hereafter is annexed to the City, shall be zoned at the public hearing held for annexation.

Section 2.3 Nonconformities

2.3.A INTENT

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment.

- (1) It is the intent of this ordinance to permit those non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (2) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the

premises, or by the addition of other uses which would be prohibited generally in the district involved.

- (3) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding. Such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2.3.B NONCONFORMING LOTS OF RECORD

- (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Board of Adjustment.
- (2) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

2.3.C NONCONFORMING USE OF LAND

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

2.3.D NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such

structure may be continue as long as it remains otherwise lawful, subject to the following provisions:

- (1) Such structure may not be enlarged in a way, which increases its nonconformity.
- (2) Such structure may not be altered in a way, which increases its nonconformity.
- (3) Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (4) Should such structure be moved for any reason for any distance, it shall conform to the regulations for the district in which it is located.

2.3.E NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exist at the effective date of adoption or amendment of this ordinance, which would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designated for such use at the time of adoption or amendment for this ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen (18) months during any three (3) year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (6) Where nonconforming use status applies to a conforming structure, such use shall be immediately terminated upon transfer to another ownership or lease.

2.3.F REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixture, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance will not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

2.3.G STATUS OF SPECIAL EXCEPTION USES

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district only for the single property granted such exception.




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Chapter 3. Permitted Uses

Notes



















Section 3.1 Schedule of Permitted Uses

Legend

	Unconditional Permitted Use
	Prohibited or Currently Not Listed
	Specific Use Permit / Public Hearing Required
<i>*See Section 3.2 for requirement of Specific Use Permits</i>	

Zoning Classifications

R-15000	Single-Family Residential	M	Mobile-Home Park
R-9000	Single-Family Residential	S	Service Commercial
R-7500	Single-Family Residential	L	Light Commercial
R-6500	Single-Family Residential	H	Heavy Commercial
MD-1-4	Medium Density Residential	I	Industrial
MF	Multi-Family Residential		

USE		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD-1-4	MF	M	S	L	H	I
A. RESIDENTIAL												
Household	One Family Dwelling Detached											
	Two Family Dwelling / Duplexes											
	Townhouse / Rowhouse / Three, Four Family Dwellings, Attached											
	Multi-family Dwelling / Apartments / Condominium											
	Apartment(s) as Secondary Use								S	S	S	S
Mobile	HUD Code Manufactured Home											
	Mobile Home											
	Industrialized Housing											
	Modular Home											
	Hotel									S	S	S
Other	Motels									S	S	S
	Residence Motel / Inn									S	S	S
	Recreational Vehicle Camp Grounds							S				
	Rooming Houses & Boarding Houses						S					
	Dormitories, Fraternity & Sorority Houses						S					
Group	Retirement Homes						S		S	S		
	Religious Convents, Rectories & Monasteries						S		S	S		
	Nursing, Rest & Convalescent Homes						S		S	S		
	Orphanages						S		S	S		
	Community Home											

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
Group Home	S	S	S	S	S	S					
B. RELIGIOUS & PHILANTHROPIC											
Churches, Temples & Synagogues	S	S	S	S	S	S	S	S	S	S	S
Temporary Revival, Gospel or Evangelistic Tents & Shelters						S	S	S	S	S	S
Eleemosynary Institutions						S	S	S	S	S	S
C. EDUCATIONAL											
Primary & Secondary Schools	S	S	S	S	S	S	S	S			
Junior Colleges, Colleges & Universities								S	S	S	S
Vocational, Technical & Trade Schools								S	S	S	S
Children's Day Care Centers								S	S	S	S
Adult Day Care Centers								S	S	S	S
Private Business & Professional Schools								S	S	S	S
D. COMMUNITY FACILITIES											
Municipal Administration & Public Service Buildings & Facilities											
Police & Fire Stations & Facilities											
Parks, Playgrounds, Play Lots & Related Facilities											
Community Garden (Does not apply when used as an ancillary use, See Section 3.2.C (4))	S	S	S	S	S	S	S	S	S	S	S
Golf Courses, Club House & Related Facilities	S	S	S	S	S	S	S	S			
Commercial Swimming Pools, Tennis, Handball & Racquet Clubs								S			
Public Animal Pounds & Shelters								S	S	S	S
Public Maintenance Building & Storage Yards											
Cultural Buildings & Facilities	S	S	S	S	S	S	S	S			

USE		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
Utilities	Social, Recreational & Assembly Building Facilities	S	S	S	S	S	S	S	S			
	Athletic Fields, Stadiums, Auditoriums & Gymnasiums	S	S	S	S	S	S	S	S			
	Cemeteries & Mausoleums										S	S
	Distribution Lines											
	Offices											
	Garages, Storage Buildings & Yards								S	S	S	S
	Energy Plants									S	S	S
E. TRANSPORTATION & CIRCULATION												
	Passenger Terminals: Bus										S	
	Mass Transit Commuter Pickup Stations	S	S	S	S	S	S	S	S			
	Automobile Parking Lot & Areas										S	S
	Automobile Parking Garages (Multi-story)										S	S
	Motor Freight Terminals											
	Bus, Truck & Taxi Storage Yards, Maintenance & Garaging											
	Airports, Heliports & Helistops								S	S	S	S
F. RETAIL SALES/TRADE												
Food & Beverage	Convenience Grocery Stores								S			
	Convenience Stores with Drive-through Window									S	S	
	Bakery & Confectionery Shops (non-industrial)											
	Ice Cream & Dairy Food Shops (non-industrial)											
	Cafes, Cafeterias, Restaurants											
	Restaurants with Alcohol Sales											
	Meat, Fish or Poultry Markets: Excluding Slaughtering & Fish Cleaning								S			
	Meat, Fish or Poultry Markets: Without Restrictions as to the Above											S
	Frozen Food Lockers (excluding slaughter)											
	Package Liquor Stores									S	S	
	Supermarkets								S			

	USE	Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
	Drive-in & Drive-through Restaurants											
General Merchandise	Micro-Winery/Brew Pub											
	Drug Stores / Pharmacy											
	Book, Stationary, News Stand, Souvenir, Gift & Novelty Shops											
	Hardware & Appliance Stores									S		
	Jewelry, Watch, Camera & Photo Service Pickup											
	Music Store											
	Florist Shops											
	Plant & Garden Nurseries									S		
	Landscape Services & Commercial Greenhouses											
	Arts, Crafts, & Hobby Shops								S			
	Outside Seating Establishment								S	S	S	S
	Household Furnishings & Fixtures Stores											
	Wallpaper & Paint Stores								S			
	Pet Shops											
	Antique Shops								S			
	Bicycle Shops & Repair Services											
	Secondhand, Rummage & Used Furniture Stores										S	S
	Gun Shops									S	S	S
	Feed & Seed Stores											
	Stone Monuments (excluding cutting of slabs)											
	Building Materials / Lumber Yards										S	
	Automotive Parts Store											
General	Boutiques, Shoe & Apparel Shops											
	Full Service Department & Discount Stores & Regional Shopping Centers & Discount Variety Stores											
	Pawn Shop											
	Tobacco Products Store								S	S	S	
Automotive, Marine &	Motorcycle & Motor Scooter Sales / Service										S	
	Boats & Marine Craft Sales & Service										S	
	Farm Machinery & Farm Implements, Sales / Service										S	
	New & Used Cars & Truck Sales / Service										S	

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
Motor Homes, Campers & Recreational Vehicles Sales / Service										S	
Mobile Home Sales / Service										S	
Gasoline Service Stations & Pump Islands, as principal, accessory or secondary use & excluding overhauls, body work, spray painting & steam cleaning									S	S	
Above, & Full Service Gasoline Service Stations									S	S	
Above, & Gasoline Service Station w/ Convenience Store									S	S	
Above, & Gasoline Service Station w/ Restaurant									S	S	
Automotive Repair Shops & Garages, as principal, accessory or secondary Use										S	
Automatic, Coin or Attendant Operated Car Wash Establishments										S	
Automotive Glass, Trim & Upholstery Shops										S	
G. SERVICES											
Barber & Beauty Shops & Permanent Cosmetics Salons											
Music, Dance, Art, Drama & Photographic Studios								S			
Laundry & Dry Cleaning Establishments: Self-service Laundromat & Pressing								S			
Laundry & Dry Cleaning Establishments: Pickup & Receiving Stations											
Laundry & Dry Cleaning Establishments: Laundry, Dry Cleaning & Dyeing Plants											
Massage Salon								S	S	S	
Health & Athletic Clubs								S			
Weight Reducing Studio / Salon											
Tanning Salon											
Tattoo & Body Piercing Shop										S	S
Funeral Homes & Mortuaries									S	S	
Private Ambulance Services									S	S	
Taxicab Dispatch Offices									S	S	
Travel Bureau Offices											

USE		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
	Taxidermist Shops											
	Taxidermist Studios									S	S	
	Domestic Household Pet Grooming Salons (excluding boarding)								S			
	Kennels (breeding, training or boarding)								S	S	S	
	Sign Shops (painted or silk screen)								S	S		
	Food Catering Services (non-industrial)								S			
	Roadside Fruit, Vegetable & Produce Stands	Outside Sales & Storage Permit Required										
Medical & Veterinary	Unattended Commercial Kiosk								S	S	S	S
	Medical, Dental, Chiropractic, Optometry & Pediatric Offices, Clinics & Laboratory Services											S
	Hospitals & Medical Clinics (providing acute or extended patient care)								S	S	S	S
	Rehabilitation Care Facility (psychiatric & mental disorders)										S	S
	Rehabilitation Care Facility (substance abuse)										S	S
	Rehabilitation Care Facility (Criminal -psychiatric, mental disorders & substance abuse)											S
	Animal Hospitals & Clinics for the Care & Temporary Boarding of Domestic Household Pets, Vets Offices & Clinics								S	S	S	S
	Apothecaries & Pharmacies											
	Medical Equipment Rental & Leasing Services											
	Real Estate, Insurance, Tax Preparation & Accounting											
Business & Professional Services	Law, Architecture, Engineering, Planning, Land Survey or Interior Design Offices											
	Banks, Savings & Loans & Finance Offices											
	Employment & Stenographic Offices											
	Utility Offices & Paying Stations											
	Advertising Agencies											
	Duplicating & Mailing Services & Office Supplies											

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
Securities & Commodities Brokers, Dealers, Underwriters & Exchange Officers											
Radio, Television, Recording & Telegraph Offices								S			
Building Contractors & Related Trades (offices only)											
Building & Related Contractors Construction Yards & Storage Buildings										S	
Pest & Rodent Exterminating Services									S	S	
Water Well Drilling Services										S	
Rental Services with Inside Storage											
Rental Services with Outside Storage										S	
Home Occupations											
Office Showroom									S	S	
Office Warehouse										S	
General Services	Apparel Alteration & Repair Shops										
	Camera, Jewelry, Instrument & Watch Repair Shops										
	General "Fix-it" Shops (i.e. saw filing, knife & scissors sharpening & lawnmower repair)							S	S		
	Plumbing, Heating, Air-conditioning bldg. & Electrical Shops								S	S	
	Piano & Musical Instrument Repair Shops							S			
	Furniture Repair & Upholstery Shops								S		
	Auction Barns & Facilities									S	S
	Self-service Storage Facilities (mini-warehouses)							S	S	S	
H. ENTERTAINMENT & AMUSEMENTS											
	Indoor Motion Picture Theatres										
	Outdoor Drive-in Theatres								S	S	S
	Ice- & Roller Skating Rinks & Arenas										
	Bowling Alleys										
	Banquet & Meeting Facilities								S	S	
	Commercial & Private Clubs, Lodges & Fraternal								S	S	
	Indoor Amusement Centers								S	S	

USE		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
	Indoor Amusement Centers (educational)									S	S	
	Indoor Archery, Rifle & Pistol Shooting Ranges									S	S	
	Miniature Golf Courses, Golf Driving Ranges & Batting Cages									S	S	
	Indoor Miniature Golf Course & Driving Range									S		
	Rodeo Grounds										S	S
	Equestrian Riding Stables & Show Rings										S	S
	Circus, Carnival & Fairgrounds (temporary permit only)										S	S
	Sexually Oriented Business											S
I. INDUSTRIAL												
Food	Beverage Processing, Bottling & Packaging (soft drinks & fruit juices)											
	Candy & Confectionery Manufacturing & Packaging											
	Fruit & Vegetable Processing (including canning, preserving, drying & freezing)											
	Dairy Products Mfg. & Wholesale Distribution											
	Food Catering											
R & D	Scientific Research, Development & Testing Laboratories								S	S	S	S
	Scientific Research & Development Offices Only											
	Wholesale Food Facility											
Storage & Distribution	Bakeries (wholesale)											
	Moving, Transfer & Storage Companies										S	
	Wholesale Automotive Vehicles & Equipment										S	
	Other General Storage Warehouse & Distribution Centers											S
	Heavy Construction Equipment & Implements (including repair services)											S
Ma	Chemicals & Allied Products Mfg. & Packaging											

USE		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
Mfg. & Assembly	Industrial Spray Painting & Paint Mixing											S
	Prof., Scientific & Controlling Instrument Mfg.											
	Wood, Paper & Leather Products Assembly & Mfg.											
	Textiles & Fiber Products Mfg. & Finishing											
	Plastics & Rubber Products Mfg., Molding & Assembly											S
	Stone, Glass & Clay Products Mfg.											S
	Printing, Publishing & Allied Products											S
	Metals & Metals Product Mfg. & Assembly											S
	Welding Shops											S
	Oil/Gas Drilling and Production	S	S	S	S	S	S	S	S	S	S	S

Section 3.2 Explanation of Uses and Specific Use Permit Requirements

3.2.A PURPOSE

The following explanatory notes supplement, restrict, and define the meaning and intent of the Uses set forth in Section 3.1, Schedule of Permitted Principal Uses. In addition, the minimum conditions under which a Specific use Permit may be permitted in certain districts are described.

3.2.B SPECIFIC USE PERMIT REQUIREMENTS

Each use below, which requires a Specific use, Permit requirement in one or more district includes a subsection listing the minimum conditions, which must be met. Such conditions may not be construed as conditions precedent to the granting of the Specific use Permit. Unless otherwise specified, all Specific use Permit applications must include a site plan meeting the requirements of Section 5.4, Site Plan Requirements. A public hearing is required before a recommendation is made by the Planning and Zoning Commission and action is taken by the City Council.

3.2.C PERMITTED USES

(1) RESIDENTIAL

- a. ONE-FAMILY DWELLING DETACHED - A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a separately platted lot and having no physical connection to a building located on any other lot or tract.
- b. TWO-FAMILY DWELLING / DUPLEX - A single structure designed and constructed with two (2) living units under a single roof for occupancy by two families.

- c. TOWNHOUSE/ROWHOUSE/THREE-FOUR-FAMILY DWELLINGS, ATTACHED - A dwelling unit on a separately platted lot which is joined to another dwelling unit on one or more sides by a party wall, served by separate utilities and not occupied by more than one family. Townhouse refers to an individually owned, single family attached dwelling constructed as a part of a series of 3 or more dwellings, all of which are either joined to another by a party wall or are located immediately adjacent thereto. Each dwelling structure is located on its own lot with front and/or rear yards. Row housing refers to a type of housing development which consists of continuous rows of dwellings, arranged in straight lines with all front building walls in a common plane, and typically developed within a grid pattern of straight streets or private drives. A Quadruplex or four family dwelling is a detached building arrangement, intended and designed for occupancy by four families in four separate dwelling units.
- d. MULTI-FAMILY DWELLING/APARTMENTS/CONDOMINIUM - A building or portion thereof which is designed, built, rented, leased or let to be occupied by three or more families living independently of each other and maintaining separate cooking facilities, including apartment houses and condominiums. Density of multi-family dwellings shall be 12 dwelling units per acre or less. Condominium refers to residential dwelling units in multi-dwelling structures which are individually owned. Individual ownership rights will include undivided interest in common land and physical improvements such as recreation and/or maintenance facilities and may or may not include ownership of land under the dwelling structure. If individual land ownership is provided, only that land directly under the dwelling structure and its appurtenances (such as patios, porches, garages, etc.) is included.
- e. APARTMENT (S) AS SECONDARY USE - A residence located on a premise with a main nonresidential use.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Apartment must be occupied only by a caretaker or guard employed on the premises.

- f. MOBILE-HOME DWELLING:
 - i. HUD CODE MANUFACTURED HOME - A structure that was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical system.
 - ii. MOBILE HOME - A structure that was constructed before June 15 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical system.
 - iii. INDUSTRIALIZED HOUSING - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical system. The term does not include any residential structures that are in excess of three stories or forty-

- nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.
- iv. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing components, or (ii) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.
 - v. MODULAR HOME - A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical system. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act, nor does it include building modules incorporating concrete or masonry as a primary component.
 - g. HOTEL - A building or group of buildings of which the main function is to provide rooms for temporary lodging where the entrance to each room is gained from a completely enclosed area and which the structure may also contain additional services such as restaurants, conference and meeting rooms, recreational facilities, and various personal service shops.
Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):
 - No additional conditions.
 - h. MOTEL - A building or group of detached or connecting buildings designed or used primarily for providing temporary lodging for automobile travelers lodged in rooms, which are directly accessible from an outdoor parking area. No provision is made for cooking in any individual room or apartment.
Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):
 - No additional conditions.
 - i. RESIDENCE MOTEL / INN - A building or group of detached or connecting buildings designed or used primarily for providing temporary lodging accommodations in rooms which are directly accessible from an outdoor parking area with provision for cooking in individual rooms or apartments.
Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):
 - No semi-truck vehicle parking will be allowed adjacent to any residentially zoned property.
 - No dumpster shall be located within fifty (50) feet of a residentially zoned property.
 - All exterior parking lot lighting shall be directed away from any residentially zoned property.
 - j. RECREATIONAL VEHICLE CAMPGROUNDS - A facility established or maintained for use on a temporary basis by campers, vacationers, or travelers (with the accommodation of sites established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes).
Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):
 - No additional condition.
 - k. ROOMING HOUSES AND BOARDING HOUSES - Buildings other than a hotel, motel, or residence motel, where lodging and meals for five or more persons are served for compensation.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Parking shall be screened from public view.

- I. DORMITORIES, FRATERNITY AND SORORITY HOUSES - Buildings used as group living quarters for a student body or other group as an associated use to a college, university, boarding school, or other similar use.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Dormitories do not include kitchen facilities, except a group kitchen facility to service all residents.

- m. NURSING, REST AND CONVALESCENT HOMES - Any structures used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and Public Hearing):

- Copy of any certificate, license, or registration required by state or federal agencies.

- i. RELIGIOUS CONVENTS, RECTORIES AND MONASTERIES - Buildings used as group living quarters for a religious order, including a group kitchen facility to serve all residents.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and Public Hearing):

- No additional conditions.

- ii. RETIREMENT HOMES - Buildings or group of buildings containing multi-family dwelling units occupied by persons 55 years or older. In case of double occupancy of a unit, only one resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to senior citizens, and does not include developments containing convalescent or nursing facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Copy of any certificate, license, or registration required by state and federal agencies.
- No semi-truck vehicle parking will be allowed adjacent to any residentially - zoned property.
- No dumpster shall be located within 50 feet of a residentially- zoned property.
- All exterior parking lot lighting shall be directed away from any residentially - zoned property.

- iii. ORPHANAGES - Buildings or group of buildings used as group living quarters for children. Orphanages do not include kitchen facilities, except a group kitchen facility to service all residents.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Copy of any certificate, license, or registration required by state or federal agency.
- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
- No dumpster shall be located within 50 feet of a residentially- zoned property.
- All exterior parking lot lighting shall be directed away from any residentially - zoned property.

- n. COMMUNITY HOME - A residential home, including an assisted living facility, which is operated by:

- i. The Texas Department of Mental Health and Mental Retardation;
- ii. A community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
- iii. An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or
- iv. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation;
- v. An assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Conditions Subject to This Use:

- Shall require site plan approval by the Planning and Zoning Commission and the City Council of structures illustrating relationship to adjacent structures, proposed parking provisions, elevations, and possible screening treatment.
 - Not more than six (6) persons with disabilities and two (2) supervisors may reside in a community home at the same time.
 - A community home may not be established within one-half mile of an existing community home.
 - A community home may not be established within one-half mile of an existing group home.
 - The residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on the public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.
 - The exterior structure must retain compatibility with the surrounding residential dwellings.
 - A community home must register, on a form promulgated by the city, prior to the issuance of a building permit. Thereafter, a community home must register annually, on a form promulgated by the city, no later than December 31 of each year.
- o. GROUP HOME - A residence, requiring licensing by the State of Texas, to be shared by no more than six disabled persons, including resident staff, who live together as a single housekeeping unit in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible.

For this use, the term disabled shall mean a person whose functioning is sufficiently impaired physically or mentally to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for seniors, and maternity homes. However, a group home shall not include an alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as alternates for incarceration.

Minimum Specific Use Permit Conditions: (In addition to a Site Plan and a Public Hearing):

- Shall require site plan approval by the Planning and Zoning Commission and the City Council of structures illustrating relationship to adjacent structures, proposed parking provisions, elevations, and possible screening treatment.
- A group home may not be established within one-half mile of an existing group home. Provided however, the applicant may seek a distance accommodation

from the City Council to lessen this distance requirement as part of the Specific Use Permit application.

- The residential structure shall provide a minimum of 200 square feet of living area per occupant.
- The residents of a group home may not keep for the use of the residents of the home, either on the premises of the home or on the public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.
- The exterior structure must retain compatibility with the surrounding residential dwellings.
- Change of ownership or licensed operator of a group home shall require a new application for a Specific Use Permit, including all fees, notifications, publications, and hearings for action by the City Council upon recommendation of the Planning and Zoning Commission.
- A group home must register, on a form promulgated by the city, prior to the issuance of a building permit. Thereafter, a group home must register annually, on a form promulgated by the city, no later than December 31 of each year.
- A group home may not be established within one-half mile of an existing community home.

(2) RELIGIOUS AND PHILANTHROPIC

- a. CHURCHES, TEMPLES AND SYNAGOGUES (places of religious worship) - Buildings or group of buildings in which practices, meetings, activities, and religious services are held. These buildings may include accessory uses such as schools, day care centers, bingo parlors, and halls; however, due to the greater impact these uses are likely to have on surrounding residential areas, these uses must be distinguished on a site plan for review during the Specific- Use Permit process.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any property line abutting a residential land use shall provide buffering and screening as per Section 5.5 Screening Requirements subsection 5.5 B Fence Requirements for Commercial and Industrial Lots Abutting Residential Lots and Section 5.6 Landscaping Requirements subsection 5.6 D Locational Criteria 2.
- Parking areas shall be designed that vehicles do not face any residentially -used street.
- Dumpster and loading areas shall not be located in areas adjacent to any abutting residential property.
- All outside lighting shall be directional when adjacent to any abutting residential property.

- b. TEMPORARY REVIVAL, GOSPEL, OR EVANGELISTIC TENTS AND SHELTERS - Temporary structures used to conduct religious services or minister to the needy. Said structures are not secondary to the primary use but are a totally contained temporary use.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- c. ELEEMOSYNARY INSTITUTIONS - Institutions or organizations concerned with charity and provision of help or relief to the needy through the collection and distribution of contributed items and funds.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Storage of goods shall be totally contained in the structure.
- Use shall not permit either temporary or permanent lodging.

(3) EDUCATIONAL

- a. PRIMARY AND SECONDARY SCHOOLS - Public or private facilities that provide a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior- high schools, and high schools.
- b. JUNIOR COLLEGES, COLLEGES, AND UNIVERSITIES - Academic institutions of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study leading to a recognized degree or advanced degree.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- c. VOCATIONAL, TECHNICAL AND TRADE SCHOOLS - Organizations offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- d. CHILDREN'S DAY CARE CENTERS - Buildings or structures where care, protection, and supervision are provided for a profit on a regular schedule at least once a week to twelve (12) or more children, including children of the adult provider.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Playground equipment or facilities shall not be located within fifty (50) feet of a residentially- zoned property.
- A vehicle-stacking plan, which satisfies pick-up and drop-off situations, shall be provided.
- All children's day care centers existing in residential districts before the effective date of this ordinance shall be considered as legal conforming uses.
- A copy of all required state licensing and certification must be provided to the City Building Inspection Department prior to issuance of a certificate of occupancy.

- e. ADULT'S DAY CARE CENTERS - Buildings or structures where care, protection, and supervision are provided on a regular schedule at least once a week to twelve (12) or more disabled persons or senior citizens.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- A vehicle-staking plan, which satisfies pick-up and drop-off situations, shall be provided.

- f. PRIVATE BUSINESS & PROFESSIONAL SCHOOLS - A business organized to operate for profit and offering instruction and training in a service or art such as secretarial, barber, beauty, or commercial art, but not including manual trade schools.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

(4) COMMUNITY FACILITIES

- a. MUNICIPAL ADMINISTRATION AND PUBLIC SERVICE BUILDINGS AND RELATED FACILITIES- Facilities such as City Hall, Council Chambers, Mayor's office, City Manager's office, and other similar office uses required by municipalities to provided services to its citizens.

- b. POLICE AND FIRE STATIONS AND FACILITIES - Facilities designed to provide public protection from the dangers of fire and crime.
- c. PARKS, PLAYGROUNDS, PLAY LOTS, AND RELATED FACILITIES - Any public, private or semi-public land available for recreational, educational, cultural, or aesthetic uses.
- d. COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community gardens shall be considered a permitted ancillary use to the principal use unless any one of the following thresholds apply. In such case it will be considered as a principal use and a Specific Use Permit will be required for a community garden.

- No existing on-site parking is available.
- No principal use is located on the site, unless authorized by the administrative official.
- A permanent structure with a foundation, dedicated to be used for a community garden purpose, is being constructed on the site.
- Fire and emergency personnel requires access to the property, which is not already provided.
- The tract of land is in excess of three (3) acres of land.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and A Public Hearing): In the event any one of the above listed thresholds apply to the community garden, a Specific Use Permit will be required and the following minimum Specific Use Permit conditions shall apply:

- If fencing is provided, it shall be decorative iron, wrought iron, picket, or other non-opaque material as approved by the administrative official.
- No sales of produce or other items shall occur on site, with the exception of sales occurring at events properly authorized by a special events permit issued by the City of Bedford.
- Permanent structures, pavilions, and sheds shall not comprise more than fifteen (15) percent of the total area dedicated to a community garden.

- e. GOLF COURSES, CLUB HOUSES, AND RELATED FACILITIES - Grounds and facilities used in the playing of the game of golf; at least nine (9) holes are required.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Lights for night- time play must be directed away from any residential property.

- f. COMMERCIAL SWIMMING POOLS, TENNIS, HANDBALL AND RACQUET CLUBS- A facility offering to the public, for a fee, swimming, tennis, handball, or racquetball or a combination thereof.

- g. PUBLIC ANIMAL POUNDS AND SHELTERS - Facilities for the incarceration of small domestic animals for short periods of time.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- h. PUBLIC MAINTENANCE BUILDINGS AND STORAGE YARDS - Facilities such as maintenance yards and shops required by branches of local, county, state, or federal agencies.

i. PUBLIC AND SEMI-PUBLIC UTILITY FACILITIES:

- i. DISTRIBUTION LINES - The actual lines of system distribution of a utility, railroad, or municipally- owned or controlled facilities. For utilities and municipally- owned or controlled facilities, the distribution lines shall include transmission lines, main lines, feeder lines, lateral lines, service lines, lift stations, trunk lines, culverts, utility poles, and towers and appurtenances attached thereto; but excluding generation and treatment plants and facilities, regulating stations, telephone exchanges, sub-stations, and broadcast and receiving towers and stations.

For railroads the distribution system shall include railroad tracks, railroad crossings, signals and control devices, and rights-of-way; but excluding facilities such as railroad stations and depots, sidings, switching yards, team tracks, loading facilities for freight and passenger, dock yard, or maintenance or repair facilities.

- ii. OFFICES - Facilities for the offices of public and semi-public utility facilities.
- iii. GARAGES, STORAGE BUILDINGS AND YARDS - Facilities such as maintenance yards and shops required by branches of public and semi-public utility facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Storage material and vehicles shall be screened from any public rights-of-way.

- j. ENERGY PLANTS - Facility used for the generation and distribution of energy produced from electrical, nuclear, thermal, turbo, or other type of energy resource.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- k. CULTURAL BUILDINGS AND FACILITIES - Buildings and structures for the use of cultural collections or events such as art galleries or museums, live theater and similar uses.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any property line abutting a residential land use shall provide screening consisting of live landscaping and/or a solid fence or wall.
- Parking areas shall be designed so that vehicles do not face any residentially used street.
- Dumpster and loading areas shall not be located in areas adjacent to any abutting residential property.
- All outside lighting shall be directional when adjacent to any abutting residential property.

- l. SOCIAL, RECREATIONAL AND ASSEMBLY BUILDINGS, AND FACILITIES - A building and associated facilities dedicated to social or recreational activities serving the city or a neighborhood.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any property line abutting a residential land use shall provide screening consisting of live landscaping and/or a solid fence or wall.
- Parking areas shall be designed so that vehicles do not face any residentially used street.
- Dumpster and loading areas shall not be located in areas adjacent to any abutting residential property.
- All outside lighting shall be directional when adjacent to any abutting residential property.

- m. ATHLETIC FIELDS, STADIUMS, AUDITORIUMS, AND GYMNASIUMS - Large fields or structures in which athletic and other spectator events are held.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any property line abutting a residential land use shall provide screening consisting of live landscaping and/or a solid fence or wall.
- Parking areas shall be designed so that vehicles do not face any residentially used street.
- Dumpster and loading areas shall not be located in areas adjacent to any abutting residential property.
- All outside lighting shall be directional when adjacent to any abutting residential property.

- n. CEMETERIES AND MAUSOLEUMS - Areas or structures designed to contain the remains of humans or animals for permanent interment.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

(5) TRANSPORTATION AND CIRCULATION

- a. PASSENGER TERMINALS: BUS - A facility for regularly scheduled bus service with passenger lounge and ticketing services.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- b. MASS TRANSIT COMMUTER PICKUP STATION - A facility for regularly- scheduled mass transportation service with parking facilities for the storage of passenger vehicles.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any property line abutting a residential land use shall provide screening consisting of live landscaping and/or a solid fence or wall.
- Parking areas shall be designed so that vehicles do not face any residentially used street.
- All outside lighting shall be directional when adjacent to any abutting residential property.

- c. AUTOMOBILE PARKING LOT AND AREAS - Areas not within a building and not accessory to any other use, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- d. AUTOMOBILE PARKING GARAGES (MULTI-STORY) - Buildings designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately- owned vehicles.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- e. MOTOR FREIGHT TERMINALS - Properties or buildings used for the temporary parking of motor- freight vehicles or trucks of common carriers, during loading and

unloading and between trips, including necessary warehouse space for storage of transitory freight.

- f. **BUS, TRUCK, AND TAXI STORAGE YARDS, MAINTENANCE AND GARAGING** - Buildings or yard areas established for the maintenance and storage of buses, trucks, and taxis.
- g. **AIRPORT, HELIPORT, AND HELISTOP** - Airport or Landing Field - An improved area for the landing and takeoff of aircraft approved by the Federal Aviation Administration for operation as an aircraft landing facility. Heliport - A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and subject to approval by the City of Bedford. Helistop - A landing pad for occasional and infrequent use by rotary wing aircraft.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Rotary wing aircraft utilizing a helistop shall not exceed a gross weight of six-thousand (6,000) pounds
- Helistops shall not be used for regularly- scheduled stops and are subject to approval by the City Council.
- Helistops shall not include fueling facilities.

(6) RETAIL SALES / TRADE (FOOD AND BEVERAGE ESTABLISHMENTS)

- a. **CONVENIENCE GROCERY STORES** - Retail establishments offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five- thousand (5,000) square feet.
- b. **CONVENIENCE STORES WITH DRIVE-THRU WINDOWS** - Retail establishments offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five-thousand (5,000) square feet and providing a drive-through window service.

Minimum Specific- Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- c. **BAKERY AND CONFECTIONERY SHOPS (NON-INDUSTRIAL)** - Shops offering for sale on premises those baked goods or candies made on or off-premises. (Production of off-premises sales is prohibited.)
- d. **ICE CREAM AND DAIRY FOOD SHOPS (NON-INDUSTRIAL)** - A retail shop offering for sale dairy products such as ice cream for on premises consumption.
- e. **CAFES, CAFETERIAS, AND RESTAURANTS** - Business establishments of which the principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the establishment.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
- f. **RESTAURANTS WITH ALCOHOL SALES**- A restaurant that derives no more than seventy-five percent (75%) of its gross revenue in the City from the on-premise sale of alcoholic beverages. Said restaurants with alcohol sales must comply with Chapter 10 "Alcoholic Beverages" of the Bedford Code of Ordinances.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No dumpster shall be located within fifty (50) feet of a residentially zoned property.

- g. MARKET GARDEN – An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, to be sold on site for profit.
- h. MEAT, FISH, OR POULTRY MARKET:
 - i. EXCLUDING SLAUGHTERING AND FISH CLEANING - A retail establishment offering for sale meat, fish, and/or poultry products for preparation and off-premise consumption.
 - ii. WITHOUT RESTRICTIONS AS TO (a) ABOVE - A retail or wholesale establishment offering slaughtering and cleaning services and the sale of meat, fish, and/or poultry products for preparation and off-premise consumption.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- i. FROZEN FOOD LOCKERS (EXCLUDING SLAUGHTER) - Facilities providing for the storage of frozen food products processed off-site.
- j. PACKAGE LIQUOR STORE - A business establishment of which the principal business is the selling of packaged alcohol to the customer for off-premise consumption.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - No additional conditions.
- k. DRIVE-IN AND DRIVE-THROUGH RESTAURANTS - Establishments that deliver prepared food and/or beverages to customers in motor vehicles, whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles for consumption either on or off- premises.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- l. SUPERMARKETS - Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area greater than five-thousand (5,000) square feet.
- m. OUTSIDE SEATING ESTABLISHMENT: A service or retail establishment located in a multi-tenant structure, that provides outdoor seating on a regular basis for patrons, in a designated area, has open access to the general public, and is not enclosed by at least three walls of the establishment. This includes an establishment that receives the majority of sales for either beverages or food. It also includes any area that is fenced and open air to the public but not any area in an enclosed courtyard. It also does not include special events that are otherwise permitted. Stand alone structures for single tenant use will not be considered as an outside seating establishment.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Any outside seating must not totally block any currently used walkway but shall maintain a four foot wide pedestrian walkway. Outside seating located at the end of the walkway will not be considered to block the pedestrian walk if it is located at the end of the lease spaces in a shopping area.
- Any pedestrian walkway adjacent to an outside seating area must provide at least five feet of clearance, for wheelchair traffic, adjacent to any drive lane in a parking lot or adjacent to a public street.
- No gate or access opening shall be located along or adjacent to any drive lane or public street.
- Wheel stops shall be placed adjacent to all seating areas such that the overhang of vehicles over the walk area shall not reduce the walkway to less than four feet in width when the cars are parked adjacent to the walkway.
- Fences around seating areas that enclose areas where alcoholic beverages are regulated by the TABC shall meet all the requirements for fencing and security as required by the TABC.

- The added seating capacity for outside seating areas shall be considered as an increase in usable floor area and shall require an accounting of the parking requirements for the property; this includes the total shopping center if the area is located in a traditional shopping center.
 - Emergency access to any outside seating area enclosed by a fence shall be approved by EMS officials and shall be subject to their requirements.
- n. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or ale tasting events as permitted by TABC regulations.

(7) GENERAL MERCHANDISE

- a. DRUG STORES - An establishment offering over-the-counter and prescription drugs and allied products for retail sale.
- b. BOOK, STATIONERY, NEWS STAND, SOUVENIR, GIFT AND NOVELTY SHOPS - A business establishment offering for sale articles such as books, stationery, cards, newspapers, magazines, gifts, and other similar items or a combination thereof.
- c. HARDWARE AND APPLIANCE STORE - An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.
- d. JEWELRY, WATCH, AND CAMERA STORES - Establishments offering jewelry, watches, camera equipment and other associated products for sale.
- e. PHOTO SERVICE PICKUP STATION- An establishment offering drop off film processing and pickup of developed photographs and related services.
- f. MUSIC STORES - Establishments offering music, musical instruments, and other related items for sale to the general public.
- g. FLORIST SHOPS AND PLANT AND GARDEN NURSERIES - Florist Shops - Shops offering flowers, floral arrangement services, and associated products for sale. Plant and Garden Nurseries - Establishments for the growth, display, and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting. Such establishments may include greenhouses, buildings or a portion thereof, or open space.
- h. LANDSCAPE SERVICES AND COMMERCIAL GREENHOUSES - Landscape Services - An establishment offering landscape design and maintenance. Commercial Greenhouses - An establishment for the growth, storage, and care of plants, shrubs, trees, and other plant material to be sold at an off-site retail location. Establishment may include large greenhouses or open-space area for the growing of landscape material.
- i. ARTS, CRAFTS, AND HOBBY SHOPS - Arts and Crafts Shop - A shop offering handicraft supplies used by conventional artists for the preparation of their art form.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- j. HOUSEHOLD FURNISHINGS AND FIXTURE STORES - A retail establishment offering home furnishings and appliances for sale to the general public.
- k. WALLPAPER AND PAINT STORE - A shop for the storage, mixing, and sale of a full line of retail paint and wallpaper supplies.
- l. PET SHOP - A shop, which cares for and maintains small animals, birds, and fish within the enclosed structure on-premises for the express purpose of displaying said animals, birds, and fish for retail sales. Associated goods, products, and services relative to said animals, birds, and fish are also provided for retail sales.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No veterinary services shall be permitted.

- m. ANTIQUE SHOPS - Establishments offering for sale articles such as glass, china, furniture or similar furnishings, and decorations, which have value and significance as a result of age, design, or sentiment.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- n. BICYCLE SHOP AND REPAIR SHOP - An establishment offering sales and repair of bicycles and associated goods.
- o. SECONDHAND, RUMMAGE, AND USED- FURNITURE STORES - Establishments offering for sale previously owned items including such things as clothing, household appliances and furnishings, and other household items.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- p. GUN SHOP - An establishment offering for sale firearms and accessory items. Said establishment shall not be used for demonstration that may involve the discharge of any firearm.
- q. FEED AND SEED STORE - An establishment that provides feed, seed and other associated products for sale to the public.

- r. STONE MONUMENT STORE (EXCLUDING CUTTING OF SLABS) - Retail establishment offering for sale stone monuments produced off-premises.

- s. BUILDING MATERIALS / LUMBER YARDS - A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- t. AUTOMOTIVE PARTS STORE - A shop with the primary function of selling new parts and accessories for automobiles, trucks and vans.
- u. JUNIOR DEPARTMENT, BOUTIQUES, SHOE AND APPAREL SHOPS - Small retail shops such as dress shops or shoe shops offering a variety of clothing items.
- v. FULL- SERVICE DEPARTMENT AND DISCOUNT STORES AND REGIONAL SHOPPING CENTERS AND DISCOUNT VARIETY STORES - Department and Discount Stores - Large retail shops offering for sale a variety of consumptive goods at a retail price. Regional Shopping Center - A grouping of retail business and service uses on a single site with common parking facilities.
- w. PAWN SHOP - A building or premises (other than bank, savings and loan, or mortgage banking company) used for business of the lending of money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
- x. TOBACCO PRODUCTS STORE - A retail establishment that includes on premise sales and consumption or sales for off-premise consumption, in whole or in part, to the smoking of tobacco or other substances such as vapor, electronic cigarette, e-cigarette, liquid nicotine, and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories or similar substances and products to the customer; and, the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco products shops, hookah cafes, tobacco clubs, tobacco bars, cigar stores and similar establishments, but shall not include an establishment which derives more than fifty (50) percent of its gross revenue from food, beverage, or gasoline fuel sales.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions

(8) AUTOMOTIVE, MARINE AND FARM IMPLEMENTS

- a. MOTORCYCLE, MOTOR SCOOTER SALES AND SERVICE- An enclosed area designed for sales and repair of motorcycles and motor scooters, with outside storage allowed.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No outside engine testing or riding, except in street legal equipment.

- b. BOATS AND MARINE CRAFT SALES AND SERVICE - An enclosed area designed for sales and repair of boats and marine craft with outside storage allowed.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- c. FARM MACHINERY AND FARM IMPLEMENTS, SALES AND SERVICE - An enclosed area designed for sales and repair of farm machinery and implements.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Storage of farm machinery and implements must be screened from public rights-of-way with the exception of new material on display for retail sales.

- d. NEW AND USED CARS AND TRUCK SALES AND SERVICE - An establishment which includes the display and sale of new and used automobiles and light load trucks with incidental parts sales, maintenance and repair facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Such incidental parts, maintenance, and repair facilities shall be completely located within an enclosed building.
- Must be used only for the display and sale of automobiles that are in condition to be driven on or off the lot.
- A used- car lot shall not be used for the storage of wrecked automobiles the dismantling of automobiles or the storage of automobile parts.
- All vehicles being stored for repair shall be screened from all public rights-of-way.

- e. MOTOR HOMES, CAMPERS, RECREATIONAL VEHICLES SALES AND SERVICE - An establishment which includes the display and sale of new and used motor homes, campers, and recreational vehicles with incidental parts, sales, and maintenance and repair facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Incidental parts, maintenance, and repair facilities shall be completely located within an enclosed building.
- All vehicles being stored for repair shall be screened from all public rights-of-way.

- f. MOBILE HOME SALES AND SERVICE - An area devoted to outside sales of mobile homes with incidental parts, sales, and maintenance and repair facilities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Incidental parts, maintenance, and repair facilities shall be completely located within an enclosed building.
- All vehicles being stored for repair shall be screened from all public rights-of-way.

- g. GASOLINE SERVICE STATION AND PUMP ISLANDS, PRINCIPAL, ACCESSORY OR SECONDARY USE:

- i. EXCLUDING OVERHAULS, BODY WORK, SPRAY PAINTING, GASOLINE SERVICE STATIONS, AND STEAM CLEANING - An establishment where gasoline and other

petroleum products are sold as a principal or secondary use in conformance with local, state, and federal provisions.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
 - No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
 - All exterior parking lot lighting shall be directed away from any residentially- zoned property.
 - All vehicles being stored for repair shall be screened from all public rights-of-way.
- ii. **FULL SERVICE GASOLINE SERVICE STATIONS** - Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially -zoned property.
 - No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
 - All exterior parking lot lighting shall be directed away from any residentially -zoned property.
 - All vehicles being stored for repair shall be screened from all public rights-of-way.
- iii. **GASOLINE SERVICE STATION WITH CONVENIENCE STORE** - An establishment where gasoline and other petroleum products are sold as a principal use and in connection with the secondary use of a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
 - No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
 - All exterior parking lot lighting shall be directed away from any residentially- zoned property.
- iv. **GASOLINE SERVICE STATION WITH RESTAURANT** - An establishment where gasoline and other petroleum products are sold as a principal use in connection with the secondary use of a restaurant.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
- No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
- All exterior parking lot lighting shall be directed away from any residentially- zoned property.

- h. **AUTOMOTIVE REPAIR SHOPS AND GARAGES, AS PRINCIPAL, ACCESSORY, OR SECONDARY USE** - Buildings designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
- No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
- All exterior parking lot lighting shall be directed away from any residentially- zoned property.
- All vehicles being stored for repair shall be screened from all public rights-of-way.

- i. **AUTOMATIC COIN OR ATTENDANT OPERATED CAR WASH ESTABLISHMENT** - A building or structure with machine or hand- operated facilities used principally for cleaning,

washing, polishing, or waxing of motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices and which may employ some hand labor.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No spray or mist from the facility shall carry by prevailing winds onto any residentially- zoned property.

- j. **AUTOMOTIVE GLASS, TRIM, AND UPHOLSTERY SHOPS** - An establishment that provides for the installation and repair of glass, trim, and upholstery of automobiles.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No semi-truck vehicle parking will be allowed adjacent to any residentially- zoned property.
- No dumpster shall be located within fifty (50) feet of a residentially- zoned property.
- All exterior parking lot lighting shall be directed away from any residentially- zoned property.

(9) PERSONAL SERVICES

- a. **BARBER AND BEAUTY SHOPS AND PERMANENT COSMETIC SALONS** - An establishment which provides personal services including haircuts, perms, color treatments, manicures, pedicures, and other personal beauty services including an establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that cosmetics are applied within the facial lines on a permanent basis. This includes, but is not limited to: permanent eyeliner, eye shadow, or lip color and micro-blading. This term does not include a Tattoo and Body Piercing Shop as defined in section 3.2.C.9.s of this ordinance.

- b. **LAUNDRY AND DRY- CLEANING ESTABLISHMENTS:**

- PICKUP AND RECEIVING STATIONS** - Retail establishments (providing a drop-off and pick-up point) for customers to leave and pick up wearing apparel or other material in need of laundry and dry cleaning and pick up items when laundered and/or dry-cleaned.
- SELF-SERVICE LAUNDROMAT AND PRESSING FACILITIES**- Retail establishments providing for customers to launder and press wearing apparel or other material.
- LAUNDRY, DRY CLEANING AND DYEING PLANT** - A facility for the off-site laundering, bleaching, or dyeing, of bulk commercial clothing.

- c. **MUSIC, DANCE, DRAMA, AND PHOTOGRAPHIC STUDIO** - An establishment where a professional artist or instructor offers services to the general public.

- d. **MASSAGE SALON** - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- e. **HEALTH AND ATHLETIC CLUBS** - Facilities offering equipment for athletic activities such as aerobic classes, swimming, basketball, racket sports, weight lifting, and other activities meant to improve the physical health of users.

- f. **WEIGHT REDUCING STUDIO / SALON** - A facility offering professional support and associated products for the purpose of weight loss.

- g. **TANNING SALON** - A facility offering tanning services to the general public.

- h. **FUNERAL HOMES AND MORTUARIES** - Buildings or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other

related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
 - Applicant must provide copies of all licenses required by the state or other regulatory agencies.
 - All vehicles parked or stored on site must be screened from all public rights-of-way.
- i. PRIVATE AMBULANCE SERVICES - Establishments offering medical transportation services.
 - j. TAXICAB DISPATCH OFFICES - Offices that serve as a dispatch location for taxicab services.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Office only - no storage or parking of vehicles.
- k. TRAVEL BUREAU OFFICES - Offices that serves as a broker for airline, train, or other transportation and lodging organizations and which provides these services to the patron.
 - l. TAXIDERMIST SHOPS / STUDIOS - Retail establishments offering for sale to the public the products produced by a taxidermist at a separate location.
 - i. TAXIDERMIST STUDIOS - An establishment offering the services of taxidermy.
 - m. DOMESTIC HOUSEHOLD PET GROOMING SALONS (EXCLUDING BOARDING) - Establishments providing grooming services to domestic household pets. (No boarding facilities)
 - n. DOG KENNELS (BREEDING, TRAINING, OR BOARDING) - Any lot or premises on which four (4) or more dogs, cats, or other domestic animals at least four (4) months of age are housed or accepted for boarding, trimming, grooming, and/or bathing for which remuneration is received.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No outdoor boarding of animals may be permitted if adjacent to residentially- zoned property.
 - No outdoor exercise areas, runs, or holding pens may be located within fifty (50) feet of any residentially zoned property.
- o. SIGN SHOPS (PAINTED OR SILK SCREEN) - Retail businesses offering for sale signs and banners.
 - p. FOOD CATERING SERVICES (NON-INDUSTRIAL) - Establishments offering the preparation of food to be delivered and served off the premises.
 - q. ROADSIDE FRUIT, VEGETABLE, PRODUCE STANDS - Temporary structures offering for sale fruit and vegetables to the consumer.
 - r. UNATTENDED COMMERCIAL KIOSK – A freestanding, unattended facility, greater than 72 cu.ft., dispensing an automated retail or service product to customers outside of the facility. All commerce is conducted outside of the structure with no indoor space provided. It includes the structure that protects and houses it. This use does not include Automated Teller Machines (ATM) or facilities accepting drop off mail or shipping material.

Minimum Specific Use Permit Conditions (in addition to a Site Plan and Public Hearing):

- No outside storage area is permitted.
- Drive through facilities shall provide one stacking space located out of the drive lane of any parking lot.
- Exterior building material shall meet the masonry requirements as required in the zoning district in which it is located.
- All surface and roof mounted equipment shall be screened from public view as defined by adjacent driving levels.
- All signs related to the use shall comply with the requirements of the sign regulations of the City of Bedford.

- s. TATTOO AND BODY PIERCING SHOP – An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include a PERMANENT COSMETIC SALON as defined in section 3.2.C.9.a. of this ordinance.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- May be permitted as an accessory use only.

(10) MEDICAL AND VETERINARY SERVICES

- a. MEDICAL, DENTAL, CHIROPRACTIC, OPTOMETRIC, AND PODIATRIC OFFICES, CLINICS, AND LABORATORY SERVICES - Facilities offering medical dental, chiropractic, optometric, podiatric, and other similar services, including offices, clinics, and associated laboratory services.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- b. HOSPITALS AND MEDICAL CLINICS (PROVIDING ACUTE OR EXTENDED PATIENT CARE) - An institution or place where sick or injured patients are given medical or surgical care either at public (charity) or private expense.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- c. REHABILITATION CARE FACILITY (PSYCHIATRIC AND MENTAL DISORDERS) - A facility which provides resident and/or out-patient care, by supervisory personnel, to persons regardless of legal relationship who have demonstrated a tendency toward mental illness;

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- d. REHABILITATION CARE FACILITIES (SUBSTANCE ABUSE) - A facility which provides resident and/or out-patient care, by supervisory personnel to persons regardless of legal relationship who have demonstrated a tendency toward alcoholism and/or drug abuse;

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- e. REHABILITATION CARE FACILITIES (CRIMINAL-PSYCHIATRIC, MENTAL DISORDERS AND SUBSTANCE ABUSE) - Facilities whose primary purpose is to provide resident and/or out-patient care, by supervisory personnel, to persons regardless of legal relationship who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, antisocial, or criminal conduct.

- f. ANY REHABILITATION CARE FACILITIES (criminal - psychiatric, mental disorders and substance abuse) for persons who have been in the criminal justice system and shall furnish to the City copies of all applicable licenses or permits, as required by the State of Texas, to provide these services, at the time the application for Specific Use Permit is submitted.

- g. ANIMAL HOSPITALS AND CLINICS FOR THE CARE AND TEMPORARY BOARDING OF DOMESTIC HOUSEHOLD PETS, VET OFFICES, CLINICS - The office and clinic of a doctor of veterinary medicine, not including outside treatment pens.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No outside treatment pens.
- No dumpster shall be located within fifty (50) feet of a residentially- zoned property.

- h. APOTHECARIES AND PHARMACIES - An establishment offering prescription and over-the-counter pharmaceuticals and other associated products for sale to the public.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- i. MEDICAL EQUIPMENT RENTAL AND LEASING SERVICES - An establishment specializing in the rental and leasing of medical equipment.

(11) BUSINESS AND PROFESSIONAL SERVICES

- REAL ESTATE, INSURANCE, TAX PREPARATION AND ACCOUNTING OFFICES - Offices for the provision of business and professional services such as real estate, insurance, accounting, etc.
- LAW, ARCHITECTURE, ENGINEERING, PLANNING, LAND SURVEY, AND INTERIOR DESIGN OFFICES - Offices for the provision of business and professional services such as attorneys, architects, engineers, planners, surveyors, and interior designers.
- BANKS, SAVINGS AND LOANS AND FINANCE OFFICES - Buildings or premises offering banking, savings and loan, and other financial services.
- EMPLOYMENT AND STENOGRAPHIC OFFICES - Offices offering employment and stenographic services to the public.
- ADVERTISING AGENCIES - Establishments offering advertising services to the public.
- DUPLICATING AND MAILING SERVICES AND OFFICE SUPPLIES - Establishments offering duplication and mailing services as well as office supplies for sale to the public.
- SECURITIES AND COMMODITIES BROKERS, DEALERS, UNDERWRITERS AND EXCHANGE OFFICES - Offices offering securities, commodities, dealers, underwriters, and exchange services to the public.
- RADIO, TELEVISION, RECORDING AND TELEGRAPH OFFICES - Offices offering radio, television, recording, and telegraph services to the public.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- BUILDING CONTRACTORS AND RELATED TRADES (OFFICE ONLY) - An office offering the services of a building contractor and/or related trades to the public. Office use only.
- BUILDING AND RELATED CONTRACTORS CONSTRUCTION YARDS AND STORAGE BUILDINGS - Facilities providing yards and buildings used for the purpose of storing building and contractor's construction equipment and material.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All storage material including vehicles shall be screened from public view.

- PEST AND RODENT EXTERMINATING SERVICES - Establishments offering pest and rodent extermination services to the public.
- WATER WELL DRILLING SERVICES - Establishments offering water well drilling services to the public.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All outside storage of equipment, parts, or materials shall not be located in a front yard.
- All outside storage of equipment, parts, or material shall be screened from public rights-of-way.

- RENTAL SERVICES WITH INSIDE STORAGE - Establishments offering items, which are capable of being contained within a building for rent to the public. No outside storage.

- n. RENTAL SERVICES WITH OUTSIDE STORAGE - Establishments offering items, including larger items requiring outside storage, for rent to the public.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All outside storage shall be screened from public rights-of-way.
- o. HOME OCCUPATION - An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property, dwelling unit, or accessory structures; or adversely affect the residential character of the neighborhood.
- p. OFFICE SHOWROOM - The primary function of an "office showroom" facility is the display and on-premises sale of merchandise and goods. Phone or mail orders to be delivered or shipped to purchaser may also occur in an "office showroom" facility. The office portion of an "office showroom" use would typically include floor sales persons in addition to management, accounting, and order desk personnel.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Although storage areas will be larger than in a typical retail commercial use, storage will not exceed 50% of the gross floor area of the facility.
- q. OFFICE WAREHOUSE - The primary function of an "office warehouse" facility is the storage of goods and merchandise. Although a limited amount of retail and/or wholesale and cash-and-carry sales will occur in an "office warehouse" facility, the majority of sales will be phone or mail orders to be delivered or shipped to the purchaser. The office portion of an "office warehouse" use would typically consist of management, accounting, and order desk personnel.

(12) GENERAL SERVICE

- a. APPAREL ALTERATION AND REPAIR SHOPS - An establishment offering alteration and repair of clothing apparel to the public.
- b. CAMERA, JEWELRY, INSTRUMENT, AND WATCH REPAIR SHOPS -Establishments offering repair services for cameras, jewelry, instruments, watches and other similar items.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- c. GENERAL "FIX IT" SHOPS (i.e. SAW FILING, KNIFE AND SCISSORS SHARPENING AND LAWNMOWER REPAIR) - A facility offering repair services of items such as saws, knives, scissors, lawnmower, and small household appliances.
- d. PLUMBING, HEATING, AIR-CONDITIONING, BLDG. AND ELECTRICAL SHOPS - Facilities offering the installation and service of plumbing, heating, air-conditioning, and electrical equipment.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All equipment and repair materials shall be screened from public rights-of-way.
- e. PIANO AND MUSICAL INSTRUMENT REPAIR SHOPS -Establishments offering the service and repair of pianos and other musical instruments.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- f. FURNITURE REPAIR AND UPHOLSTERY SHOPS - Establishments offering the service of repair and upholstery furniture.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- g. AUCTION BARNs AND FACILITIES - Facilities utilized for the purpose of selling items by auction to the public.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- All equipment and repair materials shall be screened from public rights-of-way.
- h. SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES) - A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. The rented space shall be for private use only.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No outside storage, sales, service, or repair activities other than the rental of dead storage units will be permitted on the premises.
 - No stall or locker door shall face any public street or residentially zoned property.
- 13. ENTERTAINMENT AND AMUSEMENTS**
- a. INDOOR MOTION PICTURE THEATERS - Establishments offering motion pictures for viewing by the public.
- b. OUTDOOR DRIVE-IN THEATERS - Establishments offering motion pictures for viewing from individual passenger vehicles in an outdoor setting.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No additional conditions.
- c. ICE AND ROLLER-SKATING RINKS AND ARENAS - An establishment offering ice or roller skating facilities (including inline skating and hockey facilities) for use by the public.
- d. BOWLING ALLEYS - An establishment offering facilities for bowling to the public.
- e. BANQUET AND MEETING FACILITIES - Commercial establishments offering facilities for lease for the purpose of banquets, receptions, and meetings.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No additional conditions.
- f. COMMERCIAL AND PRIVATE CLUBS, LODGES AND FRATERNAL ORGANIZATIONS- An establishment offering facilities for the congregation of members of commercial and private clubs, lodges, and fraternal organizations.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No additional conditions.
- g. INDOOR AMUSEMENT CENTERS - Facilities providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facilities may include coin-operated machines utilizing balls, pins, baskets, video equipment, and pin balls. Other equipment may include skill games such as pool, billiards, shuffleboard, darts, and batting cages. Any combination of these games may be used in the facilities. However, the combination of any four (4) coin operated game machines shall constitute an amusement center.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No additional conditions.
- h. INDOOR AMUSEMENT CENTERS (EDUCATIONAL) - Facilities containing indoor activities primarily for the amusement and education of children. Not intended to be used for long-term childcare.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- No additional conditions.
- i. INDOOR ARCHERY, RIFLE AND PISTOL SHOOTING RANGES - Establishments containing indoor facilities for archery, rifle, and pistol shooting.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):

- No facility adjacent to residentially zoned property or within one-thousand (1,000) feet of a school or park will be permitted to discharge firearms on the premises.

- j. **MINIATURE GOLF COURSES AND GOLF DRIVING RANGES** - An establishment offering facilities for miniature golf and/or golf driving ranges.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All outdoor lighting will be directed away from any residentially zoned property.
- No loud speakers will be allowed on facilities adjacent to residentially zoned property.

- k. **INDOOR MINIATURE GOLF COURSES AND DRIVING RANGES** - Establishments offering facilities for miniature golf and/or golf driving ranges located entirely indoors.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- l. **RODEO GROUNDS** - Facilities offering grounds and associated improvements for rodeo activities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- All outdoor lighting will be directed away from any residentially zoned property.
- No loud speakers will be allowed on facilities adjacent to residentially zoned property.

- m. **EQUESTRIAN RIDING STABLES AND SHOW RINGS** - Facilities offering stables and show rings for equestrian activities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

- n. **CIRCUS, CARNIVAL, AND FAIRGROUNDS (TEMPORARY PERMIT ONLY)** - A temporary event consisting of entertainment made up of acts including performing animals, acrobats, clowns, etc. Said event may also include site show exhibits, games, mechanical rides, and may consist of livestock exhibits and other agrarian activities.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Permitted by temporary permit only.

- o. **SEXUALLY ORIENTED BUSINESS** - A massage parlor, adult cabaret, nude studio, modeling studio, love parlor, adult bookstore, adult motion picture theater, adult arcade, adult theater, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. The individual terms contained in this subsection shall have the same meaning ascribed to them by Chapter 19B of the City of Bedford Code of Ordinances.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Sexually oriented businesses may not be located within one-thousand (1,000) feet of the property line of a church, park, public or private elementary or secondary school, another sexually oriented business or property zoned residential, all as measured in a straight line from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the church, school, park, another sexually oriented business or land zoned for residential use.

14. INDUSTRIAL

a. FOOD AND KINDRED PRODUCTS

- BEVERAGE PROCESSING, BOTTLING AND PACKAGING (SOFT DRINKS AND FRUIT JUICES) FACILITIES** - Facilities for processing, bottling, and packaging of beverages.
- CANDY AND CONFECTIONERY MANUFACTURING AND PACKAGING FACILITIES** - Facilities for the manufacturing and packaging of candy and confectionery products.
- FRUIT AND VEGETABLE PROCESSING (INCLUDING CANNING, PRESERVING, DRYING, FREEZING) FACILITIES** - Facilities for the processing (including canning, preserving, drying, and freezing) of fruits and vegetable products.

- iv. DAIRY PRODUCTS MANUFACTURING AND/OR WHOLESALE DISTRIBUTION FACILITIES - Commercial plants for the storage and processing of milk and milk products.
- v. FOOD CATERING FACILITY - A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.
- b. RESEARCH AND DEVELOPMENT
 - i. SCIENTIFIC RESEARCH, DEVELOPMENT, AND TESTING LABORATORIES - Facilities equipped with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies. Said facilities may also be equipped with appropriate facilities for the lodging of animals, growing of plants, and storage of chemicals.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - In facilities where animals are lodged; these lodgings must be located completely within an enclosed building. Copies of all appropriate licenses must be provided to the City.
 - ii. SCIENTIFIC RESEARCH AND DEVELOPMENT OFFICES ONLY - Business offices for facilities that conduct scientific research, experimentation, evaluation, and documentation, where said efforts are conducted elsewhere.
- c. WHOLESALE WAREHOUSING, STORAGE, AND DISTRIBUTION
 - i. WHOLESALE FOOD FACILITIES - Establishments where food products are stored for wholesale purchase by food merchants or the general public.
 - ii. BAKERIES (WHOLESALE) - Establishments offering baked goods for wholesale to retail establishments.
 - iii. MOVING, TRANSFER AND STORAGE COMPANIES - Establishments that provide transportation of household and business goods and provides storage facilities for said goods if required.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - No additional conditions.
 - iv. WHOLESALE OF AUTOMOTIVE VEHICLES AND EQUIPMENT FACILITIES - Facilities that receive surplus vehicles for the express purpose of sales at wholesale prices, often by means of auction.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - All storage of vehicles shall be screened from public rights-of-way.
 - v. OTHER GENERAL STORAGE WAREHOUSE & DISTRIBUTION CENTERS - Facilities that provide space for storage of material destined to be distributed to and sold in the appropriate marketplace.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - No additional conditions.
 - vi. HEAVY CONSTRUCTION EQUIPMENT AND IMPLEMENTS INCLUDING REPAIR SERVICES - Facilities that store and maintain equipment used for heavy construction.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - Must be screened from any residential use.
- d. MANUFACTURING AND ASSEMBLY INDUSTRIAL USES
 - i. CHEMICALS AND ALLIED PRODUCTS MANUFACTURING AND PACKAGING FACILITIES - Facilities for the manufacturing and packaging of products such as cosmetics, toiletries, pharmaceutical products, adhesives, cleaning and polishing products, perfumes and perfumed soaps.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

 - No additional conditions.
 - ii. INDUSTRIAL SPRAY PAINTING AND PAINT MIXING FACILITIES - Facilities that industrially apply paint by spraying or other methods on goods or products prior to distribution and sales; includes paint mixing.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

iii. PROFESSIONAL, SCIENTIFIC AND CONTROLLING INSTRUMENTS

MANUFACTURING FACILITIES - Facilities that manufacture items such as medical and surgical instruments and apparatus, dental equipment and supplies, optical instruments, orthopedic and prosthetic appliances, photographic equipment, watches, clocks, and scientific and professional instruments.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

iv. WOOD, PAPER, AND LEATHER PRODUCTS ASSEMBLY AND

MANUFACTURING FACILITIES - Facilities that assemble and manufacture products such as baskets, hampers, paper, cardboard boxes and containers, veneer, pencils and pens, cabinetry, furniture, shoes belts, and other apparel products and leather products.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

v. TEXTILES AND FIBER PRODUCTS MANUFACTURING AND FINISHING

FACILITIES - Facilities that manufacture and finish clothing, apparel, millinery, and canvas products. This includes the manufacturing and assembly of mattress, carpet, brooms, brushes, yarn, thread, and cordage, and the knitting, weaving, printing, dyeing and finishing of textiles and fibers into fabric goods.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

vi. PLASTICS AND RUBBER PRODUCTS MANUFACTURING, MOLDING AND

ASSEMBLY FACILITIES - Facilities for the manufacturing, molding, and assembly of plastic artificial flowers, ornaments, other plastic products, rubber footwear and apparel, and button and shell product manufacturing.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

vii. BOAT MANUFACTURING (INCLUDING FIBERGLASS) FACILITIES -

Facilities for the molding, manufacturing and assembly of boat hulls, decks, and shells, including the use of fiberglass.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

viii. STONE, GLASS AND CLAY PRODUCT MANUFACTURING FACILITIES -

Facilities for the manufacturing of graphite, flat glass and glass containers, pottery, abrasive wheels, and stone products.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.

ix. PRINTING, PUBLISHING, AND ALLIED PRODUCTS FACILITIES - Facilities for

the purpose of printing and publishing newspapers, periodicals, magazines, catalogues, and books through the use of printing and reproduction processes such as electro-typing, photoengraving and lithograph, typesetting, and commercial offset printing. In addition, bookbinding processes are included.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- x. METALS AND METAL PRODUCTS MANUFACTURING AND ASSEMBLY FACILITIES - Facilities, which manufacture and assemble products made of metal products or offer services related to such assembly. They include small appliances, electrical and gas components, electrolytic plating, silver and plated ware, tool, die, gauge, and machine shops, vitreous enameled products, advertising signs, ornamental iron, sheet metal products, hot dip galvanizing or plating, automobile truck, bus, farm implements, and mobile homes.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- xi. WELDING SHOPS - Facilities that shape, assemble, and cut metals with the use of welding skills for the purpose of assembly.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions.
- xii. OIL/GAS DRILLING AND PRODUCTION – The digging or boring a new well for the purpose of exploring for, developing or producing natural gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- The regulation as adopted by the City of Bedford *in Ordinance # 08-2873 - Gas Drilling and Production* shall govern the regulations pertaining to this use.

Section 3.3 Classification Of New And Unlisted Uses

3.3.A GENERALLY

It is recognized requests may be made for new and unanticipated types of land to locate in the City of Bedford. In order to provide for such changes and contingencies, a determination of the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The Building Inspector shall refer the question concerning any new or unlisted use to the City Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use, and whether it involves dwelling activity, sales, processing, type of product, storage and amount of nature thereof, enclosed or open storage, anticipated employment, amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated.
- (2) The City Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts to determine the zoning district within which such use should be permitted.
- (3) The City Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendations of the City Planning and Zoning Commission or make the appropriate determination concerning the classification of such use.

Chapter 4. Zoning District Regulations

Section 4.1 "R-15,000" Single-Family Residential Detached District

4.1.A PURPOSE

"R-15,000", Single-Family Residential Detached District, is established to provide for areas requiring minimum lot sizes of fifteen-thousand (15,000) square feet in order to promote low population densities and establish or maintain a low-density residential character within the subdivision.

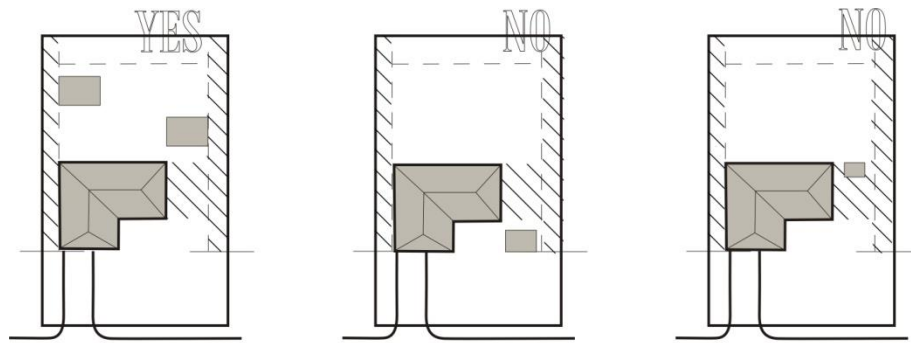
4.1.B USE REGULATIONS

In "R-15,000", no building, structure, land or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses listed in Section 3.1, Schedule of Permitted Uses as follows:

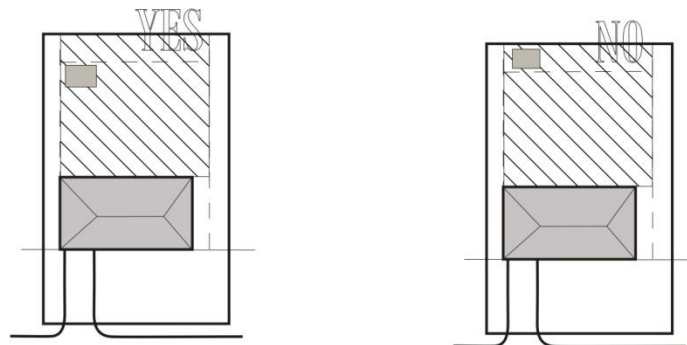
Accessory Uses, including parking areas, are customarily incident to the Uses in Section 3.1, Schedule of Permitted Uses and located on the same lot therewith, not involving the conduct of a business or industry.

- (1) Accessory buildings and structures may not be located in the required front or side yard or in front of or beside any principle structure so that it may appear to be in the front or side yard.
- (2) The term Accessory Use shall include customary home occupations such as the office of dressmaker, musician, or artist, (but not including barbers or beauticians) under the following restrictions:
 - a. That such Uses are located in the dwelling used by a person as his or her private residence.
 - b. That no assistant other than a member of the family household is employed.
 - c. That no power other than electric and of not more than one-fourth horse power is used in any one machine and not more than one horse power total is used in such activities.
- (3) A billboard, signboard, or advertising sign shall not be permitted as an Accessory Use unless in conformance with City law.
- (4) Permanent and temporary accessory buildings or structures, including one private garage shall be permitted as an Accessory Use when located as follows:
 - a. Setbacks from lot lines shall be as follows:
 - i. All accessory buildings shall be not less than sixty (60) feet back from the front lot line.
 - ii. Accessory buildings one-hundred and fifty square feet (150 sq. ft.) or more, or twelve feet (12 ft.) or more in height shall be setback from the side lot line not less than five feet (5 ft.) and shall be setback from the rear lot line not less than five feet (5 ft.).
 - iii. Accessory buildings under one-hundred and fifty square feet (150 sq. ft.), and under twelve feet (12 ft.) in height shall be setback from the side lot line not less than three feet (3 ft.) and shall be setback from the rear lot line not less than three feet (3 ft.).
 - b. In addition, a detached garage shall have:
 - i. Each entrance to the detached garage not less than twenty-five (25) feet back from the lot line it faces.
 - ii. Adequate vehicular access provided to the private detached garage. The driveway servicing the detached garage shall be a minimum of eight (8) feet in width.
 - c. Accessory buildings or structures that are permanently affixed in place shall not be located in any side or rear yard easement.

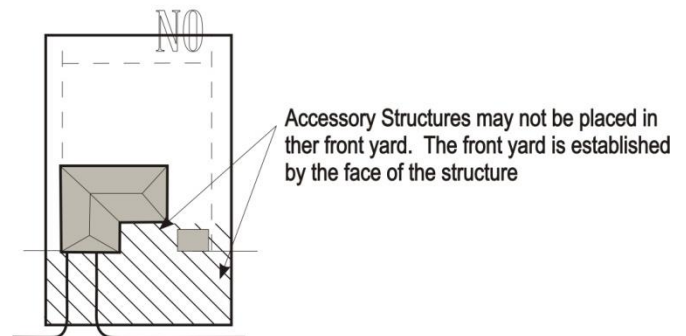
- d. All permanent or temporary accessory buildings or structures require an approved building permit prior to construction or placement on the property.



Location of Accessory Structure in Side Yard



Location of Accessory Structure in Rear Yard



Location of Accessory Structure in Front Yard

- (5) Servants' quarters or other accessory buildings, when located on the ground or erected over a private garage, shall not have a total height of more than twenty-five (25) feet including such quarters. The total enclosed area of such quarters shall not exceed 500 square feet in the aggregate.
 - a. The occupancy or use of an accessory building as a place of abode or dwelling by anyone other than a family member or a bona-fide servant actually and regularly employed by the occupant of the main structure on such lot, estate, or land shall be prohibited.
 - b. Utility services to servants' quarters shall be metered by the same meter as those serving the main building on the premises. The accessory building may be constructed as a part of the main building in which case the regulations controlling the main building shall apply.
- (6) Temporary real estate sales office located on property being sold shall be permitted for a period of time limited to period of sale, but not exceeding two years without special permit from the City Council.
- (7) Model and/or sample homes for the purposes of promoting sales shall be permitted, providing these structures are located on the same tract or subdivision of land being developed for sale.
- (8) A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement, or recreation, provided the articles produced or constructed are not sold, either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, or fumes.
- (9) No mobile homes, recreational trailers, or other wheeled vehicles construed to be living units shall be permitted in this district. However, this ordinance shall not exclude the storage of these vehicles on the property when they are so used for the pleasure of the owner and when not inhabited.

Every use not hereby specifically authorized and permitted as listed in the Section 3.1, Schedule of Permitted Principal Uses or these accessory uses is expressly prohibited in Section 4.1, R-15,000 Single-Family Residential Detached District.

4.1.C HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4," and "MF" Districts no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

4.1.D TOTAL LOT COVERAGE

The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.

4.1.E PARKING REQUIREMENTS

Three (3) parking spaces per unit. See Section 5.2, Parking and Loading Regulations.

4.1.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment may permit, as special exceptions in accordance with Section 6.5.B:

Section 4.2 "R-9,000" Single-Family Residential Detached District

4.2.A PURPOSE

The "R-9,000", Single-Family Residential Detached District, is established to provide for areas requiring minimum lot sizes of nine thousand (9,000) square feet in order to promote low population densities and establish or maintain a low-density residential character within the subdivision.

4.2.B USE REGULATIONS

In "R-9,000", no building, structure, land, or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Principal Uses as follows:

- (1) Any accessory use permitted in Section 4.1, "R-15,000" Single-Family Residential Detached District.
- (2) Every use not hereby specifically authorized and permitted is expressly prohibited in the "R-9,000" Single-family Residential Detached District.

4.2.C HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4", and "MF" Districts no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

- (1) Total Lot Coverage- The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.
- (2) A private garage shall not occupy more than six (6) percent of the lot area, nor have a ground floor area of more than five hundred (500) square feet.

4.2.D TOTAL LOT COVERAGE

The total lot coverage of all accessory buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.

4.2.E PARKING REGULATIONS

Three (3) parking spaces per unit. See Section 5.2, Parking and Loading Regulations

4.2.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment may permit as special exceptions in accordance with Section 6.5.B Special Exceptions

Section 4.3 "R-7,500" Single-Family Residential Detached District

4.3.A PURPOSE

The "R-7,500", Single-Family Residential Detached District, is established to provide for areas requiring minimum lot sizes of seven thousand, five hundred (7,500) square feet in order to promote low population densities and establish or maintain a low-density residential character within the subdivision.

4.3.B USE REGULATIONS

In "R-7,500", no building, structure, land or premises will be used and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Uses as follows:

- (1) Any Accessory Use permitted in Section 4.2, "R-9,000", Single-Family Residential Detached District.
- (2) Every use not hereby specifically authorized and permitted is expressly prohibited in the "R-7,500" Single-family Residential Detached District.

4.3.C HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4" and "MF" Districts no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

4.3.D TOTAL LOT COVERAGE

The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.

4.3.E PARKING REGULATIONS

Three (3) parking spaces per unit. See Section 5.2, Parking and Loading Regulations.

4.3.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment may permit as special exceptions in accordance with Section 6.5.B Special Exceptions.

Section 4.4 "R-6,500" Single-Family Residential Detached District

4.4.A PURPOSE

The "R-6,500", Single-Family Residential Detached District, is established to provide for areas requiring minimum lot sizes of six- thousand, five hundred (6,500) square feet in order to promote low population densities and establish or maintain a low-density residential character within the subdivision.

4.4.B USE REGULATIONS

In "R-6,500", no building, structure, land or premises will be used and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Uses as follows:

- (1) Any accessory use permitted in Section 4.1, "R-7,500" Single-Family Residential Detached District.
- (2) Every use not hereby specifically authorized and permitted is expressly prohibited in the "R-6,500", Single-family Residential Detached District.

4.4.C HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4", and "MF" Districts no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

4.4.D TOTAL LOT COVERAGE

The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.

4.4.E PARKING REGULATIONS

Three (3) parking spaces per unit. See Section 5.2, Parking and Loading Regulations.

4.4.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment may permit, as special exceptions in accordance with Section 6.5.B Special Exceptions.

Section 4.5 "MD-1" Medium-Density Residential -Duplex District

4.5.A PURPOSE

The "MD-1", Medium-Density Residential - Duplex District, is established to provide adequate space for medium-density, duplex -type residential development, promoting a population density of almost twice that of a typical single-family development.

4.5.B USE REGULATIONS

In "MD-1", no buildings or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Uses as follows:

- (1) Accessory building and use same as Section 4.1, "R-15,000", Single-Family Residential District.
- (2) Accessory buildings and structures may not be located in the required front or side yard or in front of or beside any principle structure so that it may appear to be in the front or side yard (see *Location of Accessory Structures* illustration on p. 4-2).
- (3) In "MD-1" Districts, a two-car, completely enclosed garage shall be constructed and attached to each dwelling unit. This two-car garage shall be considered as providing two off-street parking spaces per unit.
- (4) A two-car garage is defined as being area equal to 400 square feet.
- (5) Every use not hereby specifically authorized and permitted is expressly prohibited in the "MD-1" Medium-Density Residential-Duplex District.

4.5.C HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4" and "MF" Districts no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

4.5.D TOTAL LOT COVERAGE

The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of forty (40) percent of the lot.

4.5.E PARKING REGULATIONS

Three (3) parking spaces per unit. See Section 5.2, Parking and Loading Regulations

4.5.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment may permit as special exception in said "MD-1", Medium- Density Residential Duplex, the following:

- (1) Height: Dwellings in "MD-1" may be increased in height not exceeding ten (10) feet in accordance with Subsection 5.1 B, "Additional Height and Area Requirements" and Subsection 5.1.C Heights Exceeding thirty-five (35) feet.

Section 4.6 "MD-2" Medium-Density Residential – Triplex/Quadruplex District

4.6.A PURPOSE

The "MD-2", Medium-Density Residential - Triplex/Quadruplex District, is established to provide adequate space for medium density, triplex and quadruplex -type of residential development, promoting a population density generally higher than duplex development but less than the typical apartment complex development density.

4.6.B USE REGULATIONS

In "MD-2", no building or land shall be used, and no building shall hereafter be erected, constructed, reconstructed or altered except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Uses.

Every use not hereby specifically authorized and permitted is expressly prohibited in the "MD-2" Medium-Density Residential Triplex/Quadruplex District.

4.6.C ACCESSORY BUILDINGS AND STRUCTURES

- (1) Accessory buildings and structures 120 square feet or less shall be permitted.
- (2) Accessory buildings and structures greater than 120 square feet shall be required to receive a special exception from the zoning board of adjustment, in accordance with Section 6.5.B - Special Exceptions.
- (3) In addition, accessory buildings and structures may not be located in the required front yard or in front of any principle structure so that it may appear to be in the front yard (see *Location of Accessory Structures* illustration on p. 4-2).
- (4) A special exception granted from the Zoning Board of Adjustment shall be required where an accessory building or structure is proposed to be located closer than sixty (60) feet to the front property line.

4.6.D SITE PLAN

All property zoned "MD-2" must have a City Council approved site plan before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance.

4.6.E HEIGHT AND AREA REGULATIONS

(See Section 5.1, Height and Area Regulations) In all Single-Family Residential, "MD 1-4" and "MF" Districts, no side yard shall be less than five (5) feet. Combined side yard requirements for any lot in the above zoning districts shall not be less than a total of ten (10) feet. Minimum distance between buildings in the above zoning districts shall not be less than ten (10) feet.

4.6.F PARKING REGULATIONS

(See Section 5.2, Parking and Loading Regulations) In "MD-2" Districts, a two-car completely enclosed garage shall be constructed and attached to each dwelling unit. This two-car garage shall be considered as providing two off-street parking spaces per unit. A two-car garage is defined as being equal to four hundred (400) square feet.

Section 4.7 "MD-3" Medium-Density Residential - Single-Family Detached District

4.7.A PURPOSE

The "MD-3", Medium-Density Residential - Single-Family Detached District, is established to provide adequate space for innovative medium-density single-family developments such as Cluster Home, Zero Lot Line, and Courtyard or Patio Home development approaches which are designed to encourage individual home ownership.

4.7.B USE REGULATIONS

In "MD-3", no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or altered except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Uses. (One-Family Dwellings and all uses unconditionally permitted in the "R-15,000" Single-Family Zoning District.)

4.7.C TOTAL LOT COVERAGE

The total lot coverage of all buildings and/or structures, not including driveways and sidewalks, shall be a maximum of fifty (50) percent of the lot.

4.7.D DEVELOPMENT STANDARDS

Except as provided in this section, the following development standards shall be adhered to in all "MD-3" Districts.

- (1) The ratio of the floor area to the land area shall not be more than twenty-six (26) percent computed by dividing the total floor area by the total land area within the outside property lines of the development and multiplying by one hundred (100) to read a percentage.
- (2) Accessory buildings and structures may not be located in the required front or side yard or in front of or beside any principle structure such that it may appear to be in the front or side yard (see *Location of Accessory Structures* illustration on p. 4-2).
- (3) Lot width shall not be less than forty-five (45) feet at the building line.
- (4) Lot area shall not be less than four thousand (4,000) square feet.
- (5) Lot coverage shall not exceed seventy (70) percent of the individual lot and the average lot coverage in the development shall not exceed fifty (50) percent.
- (6) Maximum height shall not exceed two and one half (2-1/2) stories or thirty-five (35) feet.
- (7) Required Yards:
 - a. Front Yard: Fifteen (15) feet except garages opening onto street shall be set back twenty (20) feet.
 - b. Side Yard: Five (5) feet except a side yard may be reduced to zero provided no openings for doors, windows, etc., are present on the wall of the reduced yard and a ten (10) foot maintenance easement is provided on the adjacent property. A minimum distance of ten (10) feet shall be provided between buildings in all cases.
 - c. Side yards on corner lots shall be ten (10) feet except garages opening onto the side street shall be set back twenty (20) feet.
 - d. Rear Yards: Ten (10) feet except a rear yard may be reduced to zero provided no openings for doors, windows, etc., are present on the wall of the reduced rear yard and a ten (10) foot maintenance easement is provided on the adjacent property. On lots backing up to (and not separated by a public street) any other Single-Family Residential District, a thirty (30) foot setback for two (2) story or higher structures and a fifteen (15) foot setback for one- story structures must be provided. On lots backing up to (and not separated by a

public street) any other district, a fifteen (15) foot setback is required. A minimum distance of ten (10) feet shall be provided between buildings in all cases.

(8) Maintenance Easement:

- a. For the purpose of this district, the maintenance easement, which is required in conjunction with a reduced side or rear yard, is to ensure satisfactory clearance between structures on adjacent property and to provide an area in which to repair and maintain the side of the structure with no (or reduced) yard space. The maintenance easement shall be maintained as an open space with no storage, construction, shrubbery or other obstructions, which would prevent the intended use of the easement.
- b. A swimming pool constructed within a maintenance easement may be no closer than five (5) feet from the adjacent dwelling to the edge of the water. There is no minimum setback from the principle dwelling other than those required for structural reasons. The pool may not encroach more than fifty percent (50 %) the length of said maintenance easement. Pool equipment may be installed within a maintenance easement but no closer than five (5) feet from any adjacent dwelling.

(9) Minimum floor area shall be one thousand, one hundred (1,100) square feet; the average floor area per dwelling unit in the development shall not be less than 1,250 square feet. All lots to be developed with a structure with less than one thousand, two hundred and fifty (1,250) square feet must be designated on the preliminary and final plats.

(10) Parking: Two off-street parking spaces must be provided for each dwelling unit.

(11) Screening: In the event that a Medium-Density ("MD-3") development backs up or sides upon an "R-15,000", "R-9,000", "R-7,500", or "R-6,500" Zoning District, a solid fence (a visual barrier) or wall, at least six (6) feet in height, shall be erected along the property line separating the two districts.

4.7.E ALTERNATES TO DEVELOPMENT STANDARDS

The City Council, upon recommendation by the Planning and Zoning Commission, may alter one or more of the above listed "MD-3" Development Standards for a particular development application under the following conditions:

- (1) A written and/or graphic justification and explanation be presented attesting to the compensating benefits provided in lieu of strict adherence to each specific Development Standard altered.
- (2) Any altered standard, along with its compensating benefit, shall be treated as a new development standard applicable to the particular tract of land and shall be specified in the ordinance establishing the district.
- (3) An appropriate graphic pattern shall be applied to the Official Zoning Map to indicate that a particular "MD-3" District carries with it standards, which have been altered from those established herein.
- (4) Any proposed alteration to the above listed "MD-3" Development Standards shall be subject to a public hearing according to the procedure stated in Section 6.3.C.

4.7.F CONCEPTUAL PLAN

- (1) An application for a zoning change to create an "MD-3" District shall include and be accompanied by a conceptual plan which shall become part of the amending ordinance. The conceptual plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the conceptual plan to the City Council for approval. Changes in the conceptual plan shall be considered the same as changes in the Zoning District Map, except that changes of detail, which do not alter the basic concept, may be authorized by the City Manager. Any applicant may appeal the decision of the City Manager to the Board of Zoning Adjustment in accordance with the provisions of this Ordinance.

- (2) Owners of record of property within two hundred (200) feet will be notified of conceptual plan consideration by the Planning and Zoning Commission.
- (3) Council approval of a conceptual plan that accompanies a zoning change request shall become part of the amending ordinance and shall be referenced on the Zoning District Map. Hearings held by the Council for consideration of approval of such zoning changes and accompanying conceptual plans shall be conducted in accordance with the provisions of Section 6.3 Procedure for Changes and Amendments, Subsection 6.5.C Procedure (2) of this Ordinance and state law.
- (4) The Conceptual Plan shall include a scale drawing on an accurate survey of the boundary of the tract which will illustrate the following items:
 - a. General configuration of proposed public and private streets and primary means of ingress and egress.
 - b. Topography with a contour interval of not less than five (5) feet, or spot grades where relief is limited and indications of other significant topographic features such as drainage ways, steep slopes, tree cover, etc.
 - c. Any areas proposed to be dedicated to the City of Bedford other than streets or utility easements.
 - d. Indication of each phase of development if separate phases are proposed.
 - e. Off-street parking and loading areas as required for the particular development.
 - f. Clearly documented data sufficient to illustrate that the project conforms to all requirements of the Development Standards of this district including floor area ratios, minimum and average size units, amount of recreational area, building coverage, open space, height of buildings, building setbacks, etc.
 - g. A drawing showing a typical lot, or series of lots, which will depict arrangements of buildings, parking, fences, patios, yards, maintenance easements, etc. This drawing shall also include typical building elevations.
 - h. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, location and size of existing and proposed easements on property and on adjacent property, emergency access easements, and if applicable, sidewalks, etc.

4.7.G PLATTING

Prior to the issuance of building permits in any "MD-3" District, the land must be final platted into individual lots and shall show all front, side, and rear yard setback lines and maintenance easements in addition to other requirements of the City of Bedford Subdivision Regulations.

Section 4.8 "MD-4" Medium-Density Single-Family Attached District

4.8.A PURPOSE

The "MD-4", Medium-Density Single-Family Attached District, is established to provide adequate space to accommodate innovative medium-density single-family developments such as townhome development approaches, which are designed to encourage individual home ownership.

4.8.B USE REGULATIONS

In "MD-4", no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or altered except for one or more of the uses listed in the Section 3.1, Schedule of Permitted Principal Uses.

Every use not hereby specifically authorized and permitted is expressly prohibited in the "MD-4" Medium-Density Single-Family Attached District.

- (1) Accessory buildings and structures one hundred twenty (120) square feet or less shall be permitted.
- (2) Accessory buildings and structures greater than one hundred twenty (120) square feet shall be required to receive a special exception from the zoning board of adjustment, in accordance with Section 6.5 B - Special Exceptions.
- (3) In addition, accessory buildings and structures may not be located in the required front yard or in front of any principle structure such that it may appear to be in the front yard (see *Location of Accessory Structures* illustration on p. 4-2).
- (4) A special exception granted from the zoning board of adjustment shall be required where an accessory building or structure is proposed to be located closer than 60 feet to the front property line.

4.8.C DEVELOPMENT STANDARDS

Except as provided in this section, the following Development Standards shall be adhered to in all "MD-4" Districts.

- (1) The ratio of the floor area to the land area shall be not more than thirty-five (35) percent computed by dividing the total floor area by the total land area within the outside perimeter property lines of the development and multiplying by one hundred (100) to read a percentage.
- (2) The ratio of recreation space to the floor area on each site shall not be less than thirteen (13) percent; computed by dividing the total area allocated, developed and maintained for active and passive recreation use, inclusive of balconies, patios, pools, decks, court and fields, but exclusive of all other open space uses and recreation rooms or buildings, by the total floor area.
- (3) Lot width shall be not less than twenty-five (25) feet at the building line.
- (4) Lot area shall be not less than two thousand, two hundred (2,200) square feet.
- (5) Lot coverage shall not exceed eighty (80) percent of the individual lot and the average lot coverage in the development shall not exceed sixty (60) percent.
- (6) Maximum height shall not exceed two and one half (2-1/2) stories or thirty-five (35) feet.
- (7) Required Yards:
 - a. Front Yard: Fifteen (15) feet except garages opening onto street shall be set back twenty (20) feet.
 - b. Side Yard: Five (5) feet at the end or side of each structure. When property abuts any "R-15,000", "R-9,000", "R-7,500", or "R-6,500" District, and is not separated by a public

street, the minimum side yard shall be twenty-five (25) feet. A minimum distance of ten (10) feet shall be provided between buildings in all cases.

- i. Side yards on corner lots shall be ten (10) feet except garages opening onto side streets shall be set back twenty (20) feet.
- c. Rear Yard: Ten (10) feet. On lots backing up to (and not separated by a public street) any other Single-Family Residential District, a thirty (30) foot setback for two-story or higher structures and a fifteen (15) foot setback for one-story structures must be provided. On lots backing up to (and not separated by a public street) any other district, a fifteen (15) foot rear yard setback is required. A minimum distance of ten (10) feet shall be provided between buildings in all cases.
- (8) Minimum floor area shall be nine hundred (900) square feet; the average floor area per dwelling unit in the development shall be not less than eleven hundred (1,100) square feet. All lots to be developed with a structure with less than eleven hundred (1,100) square feet must be designated on the preliminary and final plats.
- (9) Parking: Two off-street parking spaces must be provided for each dwelling unit plus one (1) space for each four (4) units in the development.
- (10) Screening: In the event that a Medium -Density Attached ("MD-4") development backs up or sides upon an "R-15,000", "R-9,000", "R-7,500" or "R-6,500" Zoning District, a solid fence (a visual barrier) or wall at least six (6) feet in height shall be erected along the property line separating the two districts.
- (11) No structure shall contain more than five (5) dwelling units.

4.8.D ALTERNATES TO DEVELOPMENT STANDARDS

The City Council, upon recommendation by the Planning and Zoning Commission, may alter one or more of the above listed "MD-4" Development Standards for a particular development application, under the following conditions:

- (1) A written and/or graphic justification and explanation be presented attesting to the compensating benefits provided in lieu of strict adherence to each specific Development Standard altered.
- (2) Any altered standard, along with its compensating benefit, shall be treated as a new Development Standard applicable to the particular tract of land and shall be specified in the Ordinance establishing the district.
- (3) An appropriate graphic pattern shall be applied to the Official Zoning Map to indicate that a particular "MD-4" District carries with it standards, which have been altered from those established herein.

4.8.E SITE PLAN

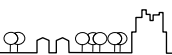
An application for a zoning change to create a "MD-4" District shall include and be accompanied by a site plan. The site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for approval. The site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance.

4.8.F PLATTING

Prior to the issuance of building permits in any "MD-4" District, the land must be platted into individual lots and shall show all front, side, and rear yard setback lines, maintenance easements and common areas, in addition to other requirements of the City of Bedford Subdivision Regulations. A plat, which contains any common area must be accompanied by properly, executed

Notes

"Articles of Incorporation" and "By-laws" of the Property Owners Association created to maintain the common areas.



Section 4.9 "MF" Multi-Family Residential District

4.9.A PURPOSE AND INTENT

The purpose and intent of the MF-Multiple Family residential District is to provide for compatible land, building, and structure uses primarily oriented to medium to high density multiple family dwellings use on larger tracts of land designed so as to provide total residential amenities of open space, recreation space, landscaping and areas of protected off-street parking. This district is intended to be near high volume thoroughfares due to the traffic-generating probability of the medium to high density development.

4.9.B PERMITTED USES

- (1) Residential Uses- Multiple Family Dwellings- including apartments, condominiums and townhouses.
- (2) Community Facility Uses
 - a. Public, semi-public and private parks.
 - b. Recreation and open space including playgrounds, parkways, greenbelts, ponds, and lakes, botanical gardens, pedestrian paths, bicycle paths.
 - c. City Hall, fire and police stations and other municipal uses.
 - d. Other uses of a similar nature.

4.9.C ACCESSORY USES

Accessory Buildings And Use: In "MF", accessory buildings and uses customarily incident to any of the uses indicated in Section 3.1, Schedule of Permitted Uses are permitted when not involving the conduct of business other than incidental to the residential use of such lot, including private and storage garages provided, however, that such accessory building or use shall not be located less than sixty (60) feet from the front lot line nor less than five (5) feet from either side line and rear property line, provided that said accessory building shall not occupy in excess of fifty (50) percent of the minimum required rear yard in the case of a one-story building or forty (40) percent of the minimum required rear yard in the case of a two-story building. Said accessory building shall not be used for commercial purposes. (The term "commercial purposes" shall include part- time businesses.)

4.9.D SPECIFIC USE PERMITS

Specific Use Permits may be approved by the City Council following a recommendation from the Planning and Zoning Commission as specifically authorized in Section 5.3 of this ordinance, subject to the full and complete compliance with any and all conditions required in section 5.3, together with any other conditions as the City Council may impose. Any use accessory to an approved specific use permit shall be permitted without specific approval if it complies with the conditions for an accessory use as defined in this ordinance.

4.9.E DEVELOPMENT REGULATIONS

In this district, the following development regulations shall be applicable:

- (1) Height: No building or structure which is located within one hundred (100) feet of property zoned as Single Family Residential shall exceed one (1) story, nor shall it exceed thirty-five (35) feet. No building which is located more than one hundred (100) feet from property zoned as single family residential shall exceed three (3) stories, nor shall it exceed forty-five (45) feet
- (2) Front Yard: When the side of an MF-Zoned lot abuts on property zoned as single family residential, there shall be a front yard of not less than forty (40) feet; where MF-zoned property

does not abut property zoned as Single Family Residential, there shall be a front yard of not less than thirty (30) feet.

(3) Side Yard: There shall be a side yard of not less than fifteen (15) feet except where the lot abuts property zoned as Single Family Residential, there shall be a side yard of not less than twenty-five (25) feet.

(4) Rear Yard: There shall be a rear yard of not less than twenty (20) feet except where the lot abuts property zoned as Single Family Residential, there shall be a rear yard of not less than forty (40) feet.

(5) Maximum Lot Coverage: All buildings or structures shall have a maximum lot coverage not exceeding forty (40) percent of the lot area.

(6) Lot Area: The minimum lot area shall be forty-three-thousand five hundred sixty (43,560) square feet.

(7) Floor Area: Each dwelling unit in this district shall have a minimum floor area of eight hundred fifty (850) square feet.

(8) Maximum Residential Density: The maximum number of dwelling units per acre shall be twelve (12).

(9) Parking Requirements: Parking shall meet the requirements of section 5.2 of this ordinance.

(10) Landscape Requirements: Landscaping shall meet the requirements in Section 5.6 of this ordinance.

(11) A minimum of fifteen (15) percent of all multi-family units within each project shall be specifically designed for the occupancy and use of senior citizens and/or disabled individuals. These units will be provided with appropriate plumbing and electrical fixtures, emergency notification and alarm devices, and shall be designated for the arrangements and placement of cabinets, doors, counters and door hardware to be accessible to senior citizens and/or disabled individuals.

(12) All Property placed in the MF-zoning shall be situated contiguous to a primary arterial, secondary arterial or primary collector thoroughfare as identified on the community's Master Thoroughfare Plan. This requirement is designed to ensure that the supporting street infrastructure can handle higher volumes of traffic during peak hours of traffic loading without a requirement to divert traffic through traditional residential streets. Wherever possible, property considered for MF-zoning classification should be located in close proximity to designated pick-up points for any mass transit systems serving the City of Bedford.

(13) Any and all property considered for rezoning to the MF-zoning classification should be located within two and half (2.5) miles of a public elementary school site. This requirement is designed to ensure reasonable access to necessary, supportive educational facilities to meet the needs generated by multi-family housing intensity. Property considered for MF-zoning classification should lie within five (5) miles of a public middle school or junior high school facility. This requirement is to ensure the availability of appropriate educational support activities to meet the needs created by multi-family housing development.

(14) Maximum Impervious Coverage: The maximum impervious coverage shall not exceed fifty percent (50%) of total lot area.

4.9.F USABLE OPEN SPACE

All residential use shall provide and maintain a minimum of two hundred fifty (250) feet of Usable Open Space for each dwelling unit. For the purpose of this ordinance, Usable Open Space is as follows:

Usable Open Space shall mean outdoor area excluding parking and other service areas, which is utilized for livable and/or related amenity, such as outdoor living, associated recreation and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All Usable Open Space unless hereinafter excepted, shall be accessible to, and usable by, all residents residing on the site. Private courtyards or balconies may constitute Usable Open Space for the purpose of calculating up to thirty percent (30%) of the total required Usable Open Space. Usable Open Space may include areas at the ground level and/or roofs, decks or balconies designed for common use; provided, that such areas meet other criteria as hereinafter set forth. The minimum dimensions for Usable Open Space at the ground level shall be ten (10) feet by ten (10) feet and the minimum area shall be one hundred (100) square feet. The minimum dimensions for Usable Open Space located on roofs or decks that are available for common use shall be twenty (20) feet by twenty (20) feet and the minimum area shall be four hundred (400) square feet. At least on-half of the required open space shall be at the ground level.

4.9.G SITE PLAN

(1) An approved site plan shall be a prerequisite for the granting of MF-Multiple Family Residential District zoning classification as specifically authorized in Section 5.4 of this ordinance, subject to the full and complete compliance with any and all conditions required in section 4.9, together with any other conditions as the City Council may impose and to the issuance of a building permit or certificate of occupancy for any property in MF-Multiple Family Residential District.

(2) The purpose of the site plan review is:

- a. To insure compliance with the Zoning Ordinance, while allowing for design flexibility.
- b. To assist in the orderly and harmonious development in the City.
- c. To protect adjacent uses from obstructions to light, air and visibility.
- d. To provide compliance with fire code provisions.
- e. To avoid undue concentrations of populations and overcrowding of land.
- f. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

4.9.H APPROVAL OF ZONING

Zoning may be approved by the City Council following a recommendation from the Planning and Zoning Commission as specifically authorized in Section 6.3 of this ordinance, subject to the full and complete compliance with any and all conditions required in Section 4.9 and any other applicable ordinance together with any other conditions as the City Council may impose.

The Planning and Zoning Commission shall, after conducting a public hearing, recommend approval of an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this ordinance and other applicable ordinance, and if the Commission finds that the proposed development will not be substantially or permanently injurious to neighboring property. The Commission shall recommend disapproval or conditional approval of any application which fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City of Bedford.

4.9.I SPECIAL EXCEPTION USES

Special exception uses may be approved by the Board of Adjustment as specially authorized in this ordinance, subject to full and complete compliance with any and all conditions required in this ordinance, together with any other conditions as the Board of Adjustment may impose. Any Use accessory to an approved special exception use shall be permitted without specific approval if it complies with the conditions for an accessory use as defined in this ordinance.

Section 4.10 "M" Mobile-Home Park District

4.10.A PURPOSE

The purpose of the "M", Mobile-Home Park District, is to permit and regulate mobile homes, trailer courts and mobile-home parks and the uses necessary for their operation. No individual mobile home will be permitted other than those located in a specified mobile-home park.

4.10.B USE REGULATIONS

In "M" Mobile-Home Park District, no building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in Section 3.17, Schedule of Permitted Uses.

4.10.C APPLICATION

An application for a mobile-home park may be made to the Planning and Zoning Commission in the same manner that an application for zone change is made. Application for approval of a mobile-home park shall be processed according to the procedure specified herein and a site plan and related data shall be submitted for approval in accordance with the requirements set out in the Development Park below. The application shall be in writing, signed by the applicant, and include the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the mobile-home park.
- (3) A complete plan of the park in conformity with the requirements set out in the Development Plan.
- (4) Preliminary plans and specifications of all buildings, improvements, and facilities to be constructed within the mobile-home park.
- (5) Such further information as may be requested by the City Manager to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed with the City Manager in triplicate.

4.10.D LOCATION

Mobile-home parks may be located only in conformity with the Comprehensive Zoning Ordinance of the City and, in addition to the requirements contained herein, each boundary of the park must be at least two hundred (200) feet from any permanent residential building located outside the park, unless separated by a natural or artificial barrier, or unless a majority of the property owners according to area within said two hundred (200) feet consent in writing to the establishment of the park, provided, however, that the provisions of this section shall not apply to mobile parks already in existence and operation at the time of the passage of this ordinance.

4.10.E PARKING REGULATIONS

In said "M", Mobile-Home Park District, the minimum off-street parking and loading regulations shall be an all-weather paved surface as follows:

- (1) Mobile-Home Space - One (1) parking space for each mobile home, recreational trailer, or other similar portable structure; in addition, one parking space for each three (3) mobile-home spaces shall be provided.

4.10.F DEVELOPMENT STANDARDS

The mobile-home park shall conform to the following requirements:

- (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and be free of stagnant pools of water.
- (2) Mobile-home spaces shall be provided consisting of a minimum of 1500 square feet for each space which shall be at least thirty (30) feet wide and clearly defined, provided, however, that mobile-home parks in existence on the effective date of this ordinance which provide mobile-home spaces having a width or area less than that herein above prescribed may continue to operate with spaces of the existing width and area, but in no event shall any mobile-home space be less than twenty-five (25) feet wide and have an area of less than one thousand (1,000) square feet.
- (3) Mobile homes shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than fifteen (15) feet but shall not be less than ten (10) feet. No mobile home shall be located closer than ten (10) feet from any building within the park or from any property line bounding the park.
- (4) All mobile-home spaces shall abut upon a driveway of not less than eighteen (18) feet in width, which shall have unobstructed access to a public street, alley, or highway.
- (5) Walkways not less than two (2) feet wide shall be provided from the mobile-home spaces to the service buildings.
- (6) All driveways and walkways within the park shall be all-weather hard surfaced and lighted at night with electric lamps of not less than twenty-five (25) watts each, spaced at intervals of not more than one hundred (100) feet.
- (7) Each park shall provide service buildings to house such toilet, bathing, and other sanitation facilities and such laundry facilities as are hereinafter more particularly prescribed.
- (8) An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile-home space.

4.10.G SITE PLAN

An application for a zoning change to create an "M", Mobile-Home Park District, shall include and be accompanied by a site plan. The site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance.

Section 4.11 "S" Service Commercial District

4.11.A PURPOSE

The "S" Service Commercial District is established to provide locations for the development of service commercial- type uses.

4.11.B USE REGULATIONS

In "S" Service Commercial Districts, no building, structure, land or premises shall be used and no building or structure shall hereinafter be erected, constructed, reconstructed, or altered except for one or more of the uses specified in the Section 3.1, Schedule of Permitted Uses as follows:

- (1) Accessory Buildings and Uses: In "S", Service Commercial Districts, accessory buildings and uses customarily incident to any of the uses listed in Section 3.1, Schedule of Permitted Uses are permitted. No accessory use shall be constructed to permit the keeping of articles, goods, or material in the open or exposed to the public view. When necessary to store or keep such material in the open, the lot or area shall be fenced with a solid fence or wall at least six (6) feet in height.

4.11.C HEIGHT AND AREA REGULATIONS

See Section 5.1, Height and Area Regulations.

4.11.D PARKING REGULATIONS

See Section 5.2, Parking and Loading Regulations.

4.11.E LANDSCAPING

See Section 5.6, Landscaping Requirements.

4.11.F SITE PLAN

All property zoned "S", Service Commercial District must have a City Council approved site plan before a building permit will be issued on any project that consists of three (3) acres or more. Such site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for their approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, all loading docks must be at least forty (40) feet from any property zoned for residential uses.

Section 4.12 "L" Light Commercial District

4.12.A PURPOSE

The "L", Light Commercial district is established to provide for the development of retail, service, and the lower intensity commercial uses.

4.12.B USE REGULATIONS

In "L" Light Commercial Districts, no building, structure, land or premises shall be used and no building or structure shall hereafter be erected, constructed, reconstructed, or altered except one or more of the following;

- (1) Those uses specified in the Section 3.1, Schedule of Permitted Uses.
- (2) Accessory Buildings & Uses. In "L", Light Commercial Districts, accessory buildings and uses customarily incident to any of the uses listed in Section 3.1, Schedule of Permitted Uses are permitted. No accessory use shall be constructed to permit the keeping of articles, goods, or material in the open or exposed to the public view. When necessary to store or keep such material in the open, the lot or area shall be fenced with a solid fence or wall at least six (6) feet in height.

4.12.C HEIGHT AND AREA REGULATIONS

See Section 5.1, Height and Area Regulations.

4.12.D PARKING REGULATIONS

See Section 5.2, Parking and Loading Regulations.

4.12.E LANDSCAPING

See Section 5.6, Landscaping Requirements.

4.12.F SPECIAL EXCEPTIONS

See Section 5.9, Outside Sales and/or Storage of Merchandise.

4.12.G SITE PLAN

All property zoned "L", Light Commercial, must have a City Council approved site plan before a building permit will be issued on any project that consists of three (3) acres or more. Such site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for their approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, all loading docks must be at least forty (40) feet from any property zoned for residential uses.

Section 4.13 "H" Heavy Commercial District

4.13.A PURPOSE

The "H" Heavy Commercial District is established to provide for development of retail and commercial uses, including higher intensity commercial uses.

4.13.B USE REGULATIONS

In an "H" Heavy Commercial District, no building structure, land, or premises shall be used and no building or structure shall hereafter be erected, constructed, reconstructed, or altered except for one or more uses specified in the Section 3.1 Schedule of Permitted Principal Uses and Accessory buildings as follows:

- (1) Accessory buildings and uses customarily incident to the uses listed in Section 3.1, Schedule of Permitted Uses will be permitted. No accessory use shall be construed to permit the keeping of articles or material in the open or on the outside of the building.

4.13.C HEIGHT AND AREA REGULATIONS

See Section 5.1, Height and Area Regulations.

4.13.D PARKING REGULATIONS

See Section 5.2, Parking and Loading Regulations.

4.13.E LANDSCAPING

See Section 5.6, Landscaping Requirements.

4.13.F SPECIAL EXCEPTIONS

See Section 5.9, Outside Sales and/or Storage of Merchandise.

4.13.G SITE PLAN

All property that is zoned "H" Heavy Commercial must have a City Council approved site plan before a building permit will be issued on any project that consists of three (3) acres or more. Such site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for their approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, all loading docks must be at least forty (40) feet from any property zoned for residential uses.

Section 4.14 "I" Light Industrial District

4.14.A PURPOSE

The "I", Light Industrial District is established to accommodate light manufacturing, assembly, research, and wholesale land uses.

4.14.B USE REGULATIONS

In "I", Light Industrial District, no building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in the Section 3.1, Schedule of Permitted Uses, as follows:

Accessory buildings and uses customarily incidental to the above will be permitted.

4.14.C HEIGHT AND AREA REGULATIONS

See Section 5.1, Height and Area Regulations.

4.14.D PARKING REGULATIONS

See Section 5.2, Parking and Loading Regulations.

4.14.E LANDSCAPING

See Section 5.6, Landscaping Requirements.

4.14.F SPECIAL EXCEPTIONS

After public notice and hearing and appropriate conditions and safeguards, the Zoning Board of Adjustment, upon recommendation by the Zoning Commission, may permit as special exception in said "I", Light Industrial District:

- (1) Height: In "I", Light Industrial Districts, a detached accessory building not exceeding twenty-four (24) feet or two stories in height, or in any case not higher than the main building, may occupy not more than thirty (30) percent of a rear yard, except that if such building is not more than one story or sixteen (16) feet high, it may occupy forty (40) percent of a rear yard. A detached accessory building may be connected with the main building by a lightly constructed covered passage open on each side not more than six (6) feet high at its highest point, and is not an extension of the roof of the main building.
- (2) Uses: Products from aluminum, brass, copper, steel, tin, or other metals, and from bone, leather, paper, rubber, shell, wire, or wood, or any other material, provided power not to exceed fifty (50) horse power is employed in the operation of any one machine.

4.14.G SITE PLAN

All property that is zoned "I", Light Industrial District, must have a City Council approved site plan before a building permit will be issued on any project that consists of three (3) acres or more. Such site plan must be submitted to the Planning and Zoning Commission for recommendation prior to presentation of the site plan to the City Council for their approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, all loading docks must be at least forty (40) feet from any property zoned for residential uses.

Section 4.15 "PUD" Planned Unit Development District

4.15.A PURPOSE

The purpose of this district is to accommodate planned associations or uses developed as integral land use units such as industrial parks or industrial districts, office, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses which may be planned, developed, and operated as integral land use units either by a single owner or combination of owners.

4.15.B HEIGHT, AREA AND DENSITY REGULATIONS

In said "PUD", Planned Unit Development District, the height, area, and density regulations shall be determined by the standards adopted in the approved Development Plan by the City Council upon recommendation by the Planning and Zoning Commission. The following circumstances shall be considered by the Planning and Zoning Commission and the City Council when considering a proposed Development Plan:

- (1) The proposed height, area, and density regulations substantially meet the intent of this ordinance and the Comprehensive Land Use Plan.
- (2) The proposed height, area, and density regulations provide for better project design.
- (3) The combination of different dwelling types and/or the variety of land uses in the proposed Development Plan complement each other and will be compatible with existing and proposed land uses in the vicinity.
- (4) The proposed development will not generate more traffic than the streets in the vicinity can accommodate without congestion, and the development will not overload utilities as determined by the City Engineer.

4.15.C LOT COVERAGE

Total lot coverage of all buildings and structures, including accessory buildings and structures, shall be as follows:

- (1) For residential- planned unit developments that have not established area and coverage regulations in the adopting planned unit development ordinance, the area and coverage regulations of the residential district that is most compatible with the planned unit development characteristics, as determined by the zoning administrator, shall apply.
- (2) For residential- planned unit developments that have area and coverage regulations that are included in the adopting planned unit development ordinance, the area and coverage regulations of the planned unit development shall apply.
- (3) For all planned unit developments adopted after the effective date of this amendment, total lot coverage for buildings and structures, including accessory buildings and structures, shall not exceed forty (40) percent of the lot area.

4.15.D PARKING REGULATIONS

In said "PUD" Planned Unit Development District, the minimum off-street parking and loading regulations shall be an all-weather paved surface and shall be determined by the standards adopted in the approved Development Plan by the City Council upon recommendation by the Planning and Zoning Commission.

4.15.E APPLICATION

An application for a "PUD" Planned Unit Development District may be made to the Planning and Zoning Commission in the same manner that an application for zone change is made. Applications

for approval of a "PUD" District shall be processed according to the procedure specified herein and a Development Plan and related data shall be submitted for approval in accordance with the requirements set out in the Section 4.15 F, Development Schedule, and Section 4.15 G, Development Plan Required.

4.15.F PROCEDURE FOR ESTABLISHING STANDARDS

(1) In approving the Development Plan and the ordinance establishing the "PUD" District, the City Council shall, after recommendation by the Planning and Zoning Commission, consider the maximum height, floor-area ratio, density and minimum off-street parking and loading standards with the limits of those specified in the districts listed for the specific uses involved as submitted by the applicant. The City Council shall, after receiving the recommendations of the Planning and Zoning Commission, consider the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets, and alleys to be observed in a "PUD" District as submitted by the applicant. Such standards shall be specified in the ordinance establishing the district.

4.15.G DEVELOPMENT SCHEDULE

An application for a "PUD" District shall be accompanied by a Development Schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The Development Schedule, if adopted and approved by the City Council, shall become part of the Development Plan and shall be adhered to by the owner, developer, and his successors in interest.

Annually, the Building Inspector shall report to the Planning and Zoning Commission the actual development accomplished in the various "PUD" Districts as compared with the Development Schedule.

The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the Zoning District Map or the "PUD" District by removing all or part of the "PUD" District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for the good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

4.15.H DEVELOPMENT PLAN REQUIRED

An application for a "PUD" District shall include and be accompanied by a Development Plan, which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the Development Plan shall be considered the same as changes in the Zoning District Map and shall be processed as required except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the City Manager.

The applicant may appeal the decision of the City Manager to the Planning and Zoning Commission for review and decisions as to whether an amendment to the Planned Unit Development District ordinance shall be required.

The Development Plan shall include:

- (1) A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract

and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.

- (2) A land use plan where multiple types of land use are proposed that delineates the specific areas to be devoted to various uses.
- (3) A site plan where building complexes are proposed showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line, and/or alley line. (For buildings more than one (1) story in height, except for single-family and two-family residences, elevations and/or perspective drawings may be required so that the relationship of the buildings to adjacent property, open spaces and, to other features of the development plan may be determined. Such drawings need only indicate the height, number of floor, and exposures for access, light, and air.
- (4) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to the building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Also, any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- (5) A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- (6) Screening and landscaping plans shall be required where such treatment is essential to the proper arrangement of the development in relation to adjacent property. (Such plan shall when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns, and gardens if such are determined to be necessary by the City Council.
- (7) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the City Manager and interpretation by the Building Inspector.

Every "PUD" approved under the provisions of this ordinance shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a "PUD" District, the development conditions indicated in the Development Plan and the Development Schedule, shall be complied with and such conditions as are specified for the development of a "PUD" District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance.

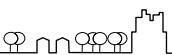
Section 4.16 "CBD" Central Business District Overlay**4.16.A PURPOSE**

The "CBD", Central Business District, is established to encourage the development of a central business district, which contains a mixture of commercial and residential development. This area is designated as that portion of the City of Bedford bounded by State Highway 121 on the south, Bedford Road on the north and west, and Murphy Drive on the east.

4.16.B SITE PLAN

All Zoning Districts underlying the Central Business Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4 Site Plan Requirements of this Ordinance.

Section 4.17 Reserved



Section 4.18 "MHC" Master Highway Corridor Overlay District

4.18.A PURPOSE

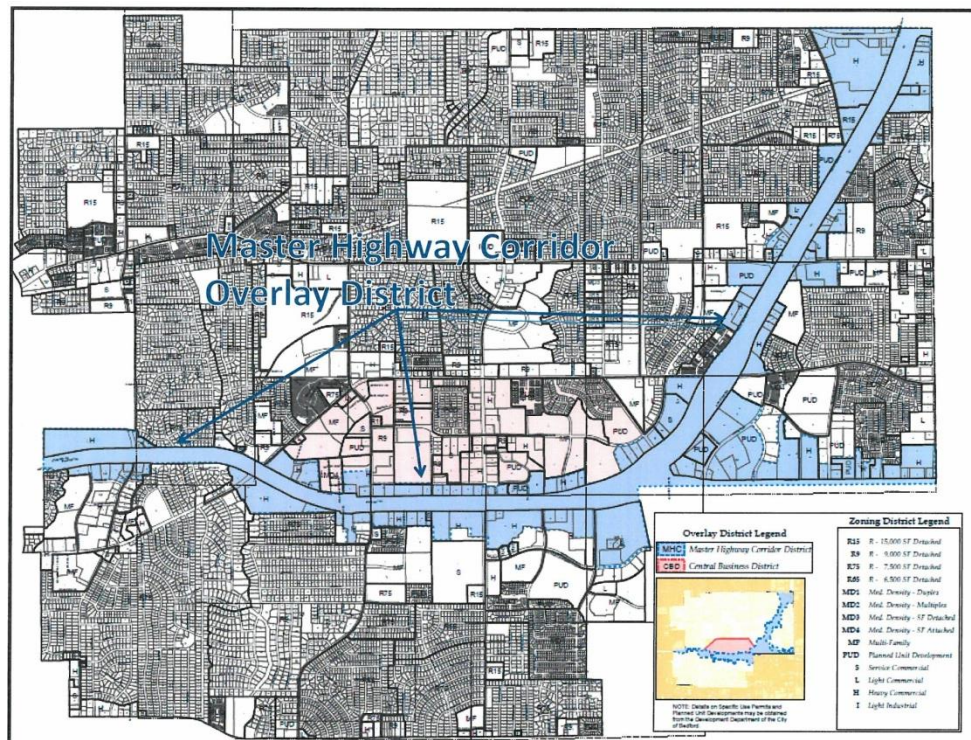
The "MHC", Master Highway Corridor Overlay District, is established to provide a set of standards applicable to future development and redevelopment within the State Highway 121 and 183 Corridor areas. These standards are intended to protect and enhance the appearance of the State Highway 121 and 183 corridors, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State Highway 121 and 183 corridors.

4.18.B BOUNDARY OF AREA

The "MHC" Master Highway Corridor Overlay area is designated as the lots, tracts, and parcels of land so indicated on the official zoning map for the City of Bedford. This area consists generally of that property which is located adjacent to and within two hundred (200) feet of the rights-of-way of State Highway 121 and 183. If any portion of said property is located within the two hundred (200) feet threshold, the entire limits of the property have been included.

4.18.C USE REGULATIONS

All uses in the underlying districts, as listed in Section 3.1 Schedule of Permitted Principal Uses, shall be permitted in the "MHC", Master Highway Corridor Overlay District, unless otherwise listed



in Section 4.18.D Prohibited Uses. The Restricted Uses listed in Section 4.18.E may be allowed with compliance to the restrictions and in accordance with an approved site plan. Accessory uses as permitted in the underlying district shall also be permitted. All legal and valid uses existing on the effective date of this ordinance at specific locations shall remain legal and valid uses. The owners of the property where such uses are located shall be permitted to expand or remodel. All

expansions or remodels shall comply with the underlying basic ordinance and the requirements in the "MHC", Master Highway Corridor Overlay District.

4.18.D PROHIBITED USES:

In the "MHC" Master Highway Corridor Overlay District the following uses shall be prohibited:

- (1) Auction Barns and Facilities
- (2) Automatic Coin or Attendant Operated Car Wash Establishments
- (3) Automotive Glass, Trim, and Upholstery Shops
- (4) Bakeries, Wholesale
- (5) Beverage Processing, Bottling and Packing (soft drinks and fruit juices)
- (6) Building and Related Contractors Construction Yards and Storage Buildings
- (7) Candy and Confectionery Manufacturing and Packing
- (8) Cemeteries and Mausoleums
- (9) Chemicals and Allied Products Manufacturing and Packaging
- (10) Dairy Products Manufacturing and/or Wholesale Distribution
- (11) Equestrian Riding Stables and Show Rings
- (12) Farm Machinery and Farm Implements, Sales and Service
- (13) Food Catering
- (14) Fruit and Vegetable Processing (including canning, preserving, drying and freezing)
- (15) Heavy Construction Equipment and Implements (including repair service)
- (16) Industrial Spray Painting and Paint Mixing
- (17) Laundry, Dry Cleaning, and Dyeing Plants
- (18) Massage Salons
- (19) Meat, Fish, or Poultry Markets (including slaughtering and fish cleaning)
- (20) Metals and Metal Products Manufacturing and Assembly
- (21) Moving, Transfer and Storage Warehouse and Distribution Centers
- (22) Multi-family Dwellings, Apartments and Condominiums
- (23) Outdoor Drive-in Theaters
- (24) Pawn Shops
- (25) Pest and Rodent Exterminating Services
- (26) Printing, Publishing, and Allied Products
- (27) Recreational Vehicle Campgrounds
- (28) Rehabilitation Care Facilities (Criminal-psychiatric, mental disorders and substance abuse only)
- (29) Rental Services with Outside Storage
- (30) Sexually Oriented Businesses
- (31) Stone, Glass, and Clay Products Manufacturing
- (32) Textiles and Fiber Products Manufacturing and Assembly
- (33) Water Well Drilling Services
- (34) Welding Shops
- (35) Wholesale Automotive Vehicle and Equipment Establishments
- (36) Wholesale Food Facilities

(37) Wood, Paper and Leather Products Assembly and Manufacturing

4.18.E RESTRICTED USES:

In the "MHC" Master Highway Corridor Overlay District the following uses shall be restricted as noted below:

- (1) Restrict Outdoor Sales or Storage to a maximum outside display area of twenty-five (25%) of the building area; except that New Automobile Dealerships shall be permitted to display automobiles outside without restrictions.
- (2) Apartment(s) as Secondary Use only with self-service Storage Facilities (mini-warehouses)
- (3) Automotive Repair Shops and Garages, shall be restricted such that repair activities shall be conducted indoors and automobiles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (4) Boats and Marine Craft Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all boats and marine craft awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (5) Mobile Home, Campers, and Recreation Vehicle Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all mobile homes, campers, and recreation vehicles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (6) Convenience stores with drive-through windows must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the State Highway 121 and 183 frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (7) Drive-in or drive-through restaurants must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (8) Motorcycle and Motor Scooter Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all motorcycles and motor scooters awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (9) Self-service Storage Facilities (mini-warehouses), with no outside vehicle or boat storage within view from the public right-of-way.
- (10) Used Car and Truck Sales except that Used Car and Truck Sales shall be permitted as an accessory use to a New Car Dealership under the condition that the land area dedicated to used car sales shall not exceed twenty (20%) percent of the total combined area within the dealership dedicated to new and used car sales.

4.18.F HEIGHT AND AREA REGULATIONS

In addition to the requirements of Section 5.1, Height and Area Regulations the following will apply:

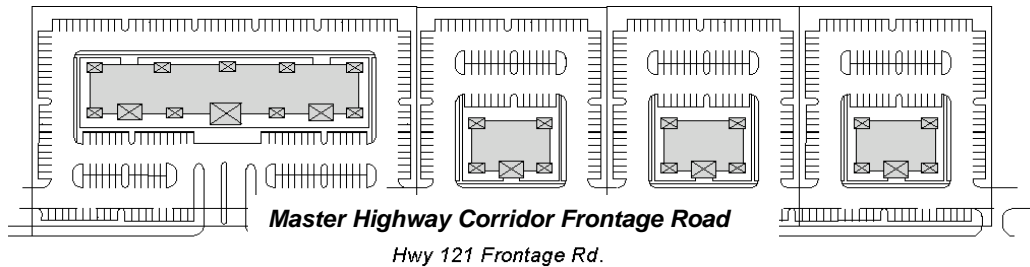
- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district.
 - a. Maximum height shall be as permitted in the underlying district.

- b. Minimum front yard setback from the front property line of the property contiguous to State Highway 121 and 183 shall be thirty (30) feet.
- c. Side and rear yards shall be as permitted in the underlying district.
- (2) Residential Regulations: The height and area regulations shall be as permitted in underlying districts.

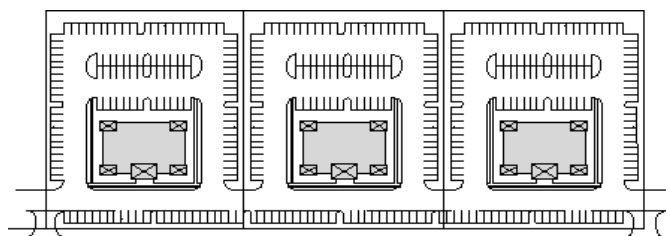
4.18.G PARKING REGULATIONS AND TRAFFIC CIRCULATION

See Section 5.2, Parking & Loading Regulations.

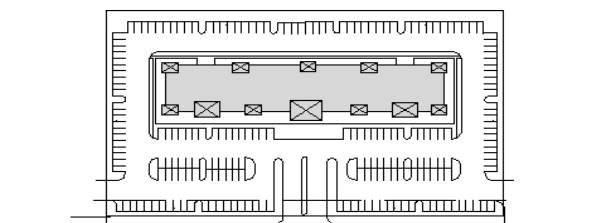
- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying non-residential zoning district
 - a. Access to individual developments shall be obtained through mutual access and cross-access drives on-site. Multiple driveway entrances for individual lots shall be prohibited, unless it is determined that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the City Council after recommendation by the Planning and Zoning Commission.
 - b. A raised curb shall be required for all parking and driving surfaces.
 - c. Curb stops shall be required on all parking spaces that "head-in" to any landscaped area. These curb stops shall be placed so that the overhang of a vehicle is contained totally within the limits of the parking space.
 - d. A traffic circulation plan shall be prepared and provided, with the Specific Use Permit site plan, for all new development. The traffic circulation plan shall identify proposed vehicular and pedestrian connectivity.
 - e. All entrance drives from the State Highway 121 and 183 frontage roads shall be accented with decorative street pavers; and shall be clearly detailed on the site plan.
 - f. Paved parking areas shall have at least ten (10) percent of the paved surface area dedicated to decorative street treatment as approved by the City Engineer.
 - g. Vehicular and pedestrian connections shall be provided to adjacent non-residential and residential developments where such connections will mutually enhance both developments by allowing cross-access. Relief from this requirement may be granted administratively by the Director of Development or his/her designee upon documentation of merit of such relief by the applicant. The Director of Development or his/her designee may defer decision of merit to the Zoning Board of Adjustment at his/her discretion.
- (2) Residential Regulations: Parking regulations and traffic circulation regulations shall be as permitted in the underlying districts.



Parking lots should be designed such that a minimum number of curb cuts are required along the Master Highway Corridor frontage road. This may be accomplished by incorporating policies and regulations that require shared driveways and access easements, which run across several properties. The above example illustrates how at least six properties (the two properties adjoining these also have access) may be served by two drive entrances.



Parking lots for small single tenant commercial developments along the Master Highway Corridor frontage road should utilize shared driveways and should include access easements that require cooperative efforts of adjacent property owners. The zoning ordinance may require shared drives and cross access easements. At the time of platting, each development should be required to extend the easement to the next property.



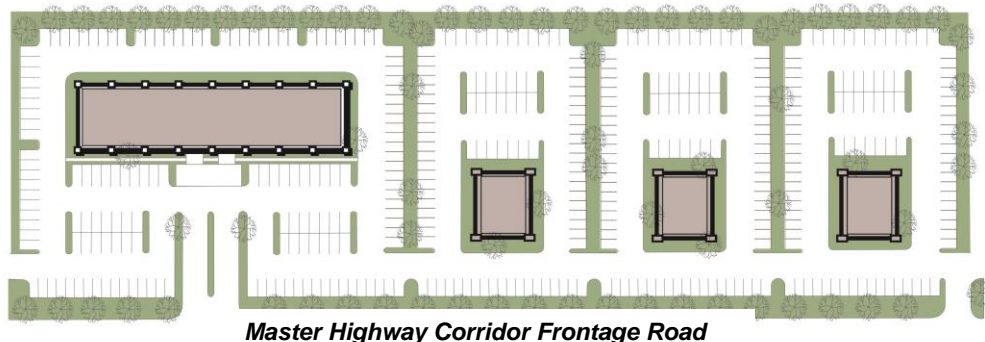
On properties that have larger multi-tenant developments, a central drive entrance should be required. Each development should be required to provide an "entrance throat" that will direct traffic and provide for stacking space at intersections with Highway 121 and 183. This limited access will permit the City and State to control traffic at this location. The development is also required to extend access to both of its borders to enable the traffic access onto Highway 121 and 183 to continue to be controlled.

Note: The locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern. A variety of spacing with parking lots being located in the front yard should be provided.

4.18.H LANDSCAPING AND SCREENING REGULATIONS

Landscaping consisting of live plant material shall be provided for all non-residential development located within the "MHC" Master Highway Corridor Overlay District. In addition to the requirements of Section 5.6, Landscaping Requirements the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district designation:
 - a. Thirty (30) foot landscape buffer shall be provided in the front yard area. This thirty (30) feet may be located on the road right-of-way, to the extent permitted by TXDOT. The applicant must receive written approval from TXDOT prior to submitting any proposal to landscape highway right-of-way to the City for approval. However, the portion of the thirty (30) foot width located on-site shall not be less than ten (10) feet. Any and all of this landscape buffer shall be provided, in addition to the portion initially or subsequently provided within state right-of-way, on site.
 - b. The thirty (30) foot landscape buffer shall contain trees of three (3) inch caliper and twelve (12) feet in height planted on thirty (30) foot centers. Landscape buffer trees shall be trees identified as Desirable Trees in The City of Bedford Subdivision Regulations Article 7, Tree Preservation Ordinance. Additionally, shrubs, berms, or a combination thereof, shall be provided between the trees such that a screen of a minimum of three (3) feet in height shall screen the parking areas.



Note: Locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern or layout. A variety of spacing with parking lots being located in the front yard should be provided.

4.18.I DEVELOPMENT STANDARDS

All development located in the “MHC” Master Highway Corridor Overlay District overlay shall comply with the following development standards:

- (1) All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first-floor ceiling-plate line. Alternative construction materials, which are demonstrated to be critical to the architectural theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission.
- (2) Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.
- (3) All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.

- (4) On structures five thousand (5,000) square feet or less, pitched roof construction will be required. No flat or built- up roof construction shall be permitted. All mechanical equipment shall be screened from view from any public right-of-way by screening which is compatible to the architectural style of the main structure. Line- of- sight drawings will be required to illustrate that adequate screening is provided.
- (5) Design of structures greater than five thousand (5,000) square feet shall include relief to walls and roofs. Single uninterrupted surface-planes shall not be permitted. The roof of structures may be a flat roof construction, but must provide a variation of roofline, which may include a partial pitched roof for architectural relief. Mechanical equipment located on roofs shall be screened from view from any public right-of-way. Line-of- sight drawings will be required to illustrate that adequate screening is provided.
- (6) With the exception of signs located within twenty-five (25) feet of the frontage roads of State Highway 121 and 183, all freestanding signs shall be ground- mounted monument style signage. The maximum height of monument signs shall be six (6) feet, including structure and sign. The maximum square footage shall be fifty (50) square feet. The structure of the sign shall be constructed of similar masonry material as the primary structure. Pole signs shall be permitted within twenty-five (25) feet of the frontage roads of State Highway 121 and 183.
- (7) Banner signs and signs of a temporary nature, which are deemed to be necessary due to construction activity of State Highway 121 and 183 may be permitted upon approval of the Administrative Official. Such approval may be deferred to the Planning and Zoning Commission and City Council upon the discretion of the Administrative Official.
- (8) Any canopy system must provide columns constructed of similar masonry material as the primary structure.
- (9) The site plan shall provide a lighting plan detailing the layout of fixtures, elevations, lamp type, and average maintained illumination of each fixture.
- (10) Exterior lighting fixtures shall not exceed a maximum height of thirty (30) feet; and shall direct light toward the ground. Alternatives may be approved by the City Council upon recommendation by the Planning and Zoning Commission on a case- by- case basis when used to complement the architectural character of the development.
- (11) An automobile repair shop permitted as an accessory use to a new car dealership shall conduct all repair activities indoors and shall screen all automobiles awaiting repair from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with the building and site character.
- (12) With the exception of existing buildings and structures, a drive-in or drive-through restaurant must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the State Highways 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.
- (13) With the exception of existing buildings and structures, Banks, Savings and Loans, and Finance Offices that utilize a drive-through facility must locate the drive-through window(s) and all stacking of the drive-through windows(s) to the rear or side of the building and not between the building and the State Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the building.

4.18.J SITE PLAN

All Zoning Districts underlying the "MHC" Master Highway Corridor Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the

City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, a color schedule shall be submitted showing the colors to be used for all improvements proposed on the site, including buildings, signage, light fixtures, accessory structures, etc. (Color rendering shall be provided to illustrate the color schedule.)

4.18.K NON-CONFORMING SITUATIONS

Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots of Record, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises" of this zoning ordinance.

Chapter 5. Supplemental District Regulations

Notes

Section 5.1 Height and Area Regulations

5.1.A HEIGHT AND AREA SCHEDULE

The height and area regulations for residentially zoned districts shall be in accordance with the following table:

Residential Height and Area Schedule							
Zoning District	Lot Area Min. Per Unit (sq. ft.)	Floor Area Min. Per Unit (sq. ft.)	Max. Height (ft.)	Lot Width Min.**	Front Yard Min. (ft.)***	Side Yard Min. (ft.) ***	Rear Yard Min. (ft.) ***
R-15,000	15,000	2,000	35 or 2.5 stories	80 / 60 / 50	20	5' with min. between bldgs of 10'	20
R-9,000	9,000	1,500	35 or 2.5 stories	70 / 60 / 50	20	5 with min. between bldgs of 10'.	20
R-7,500	7,500	1,350	35 or 2.5 stories	70 / 60 / 50	20	5' with min. between bldgs of 10'	20
R-6,500	6,500	1,200	35 or 2.5 stories	70 / 60 / 50	20	5' with min. between bldgs of 10'	20
MD-1 Duplex	3,250	900	35 or 2.5 stories	70 / 60 / 50	20	5' with min. between bldgs of 10'	20
MD-2 3-4 plex	3,000	900	35 or 2.5 stories	45	20	5' with min. between bldgs of 10'	20
MD-3 Detached	4,000	1,100, avg. 1,250 throughout	35 or 2.5 stories	45	15	5	10
MD-4 Attached	2,200	900, avg. 1,100 throughout	35 or 2.5 stories	25	15	5	10
MF Apt.	43,560	850	45***		30***	15***	20***

**Width at building line / width at property line / width at curved property line

***See Chapter 4 Zoning District Regulations for a complete description

The height and area regulations for non-residential zoned districts shall be in accordance with the following table:

Non-Residential Height And Area Schedule							
Zoning District	Lot Area Min. (sq. ft.)	Floor Area Min. (sq. ft.)	Max. Height (ft.)*	Lot Width Min. (ft.)	Front Yard Min. (ft.)*	Side Yard Minimum (ft.) *	Rear Yard Min. (ft.) *
S	–	–	35	50	20	10 or 10% of avg. width of lot whichever is smaller, min. of 5 10 when next to side street	20 when next to residential
L	–	–	35	50	20	10 or 10% of avg. width of lot whichever is smaller, min. of 5 10 when next to side street	20 when next to residential
H	–	–	35	50	20	10 or 10% of avg. width of lot whichever is smaller, min. of 5 10 when next to side street	20 when next to residential
I	–	–	35	50	15% of lot depth where lot is 150-200 ft. deep. 10% of lot depth where lot is 200-300 ft. deep. max. 30	When adjoining residential district: 10 or 10% of avg. width of lot whichever is smaller, min. of 5, unless separated by alley, which requires no side yard. 10 when next to side street	20 when next to residential

*See Chapter 4 Zoning District Regulations for a complete description

5.1.B ADDITIONAL HEIGHT AND AREA REGULATIONS

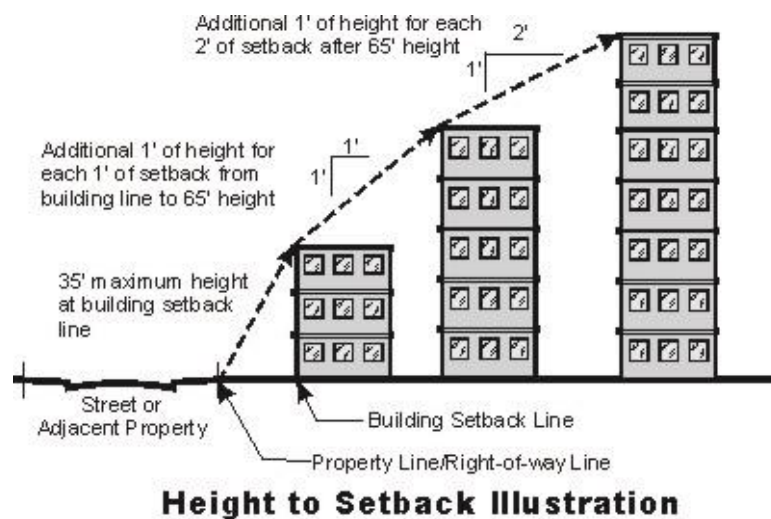
- (1) The maximum height of buildings and structures shall be thirty five (35) feet or a height specifically stated as being allowed under the provisions of this Zoning Ordinance, whichever is greater.
- (2) Height restrictions contained in the Zoning Ordinance shall not apply to:
 - a. Light poles, utility transmission towers or lines, or other utility structures or equipment. Provided, however, that any such utility structures or equipment shall only be exempt from height restrictions if such utility has a franchise agreement with the City.
 - b. Signs or billboards which are regulated by the City of Bedford Code of Ordinances Chapter 19, "Signs and Billboards."

- c. Emergency Management sirens and equipment.
- (3) The maximum impervious coverage for any required front yard in the R-15,000, R-9,000, R-7,500, MD-1, MD-2, MD-3, and MD-4 districts shall be sixty percent (60%) of the total front area. The remaining pervious area shall consist of at least thirty percent (30%) live plant material.
- (4) The following special conditions shall be permitted in the one family districts.
 - a. Increased Height: Dwellings in any One-family District may be increased in height not exceeding ten (10) feet in addition to the limitations of two and one-half (2-1/2) stories or thirty-five (35) feet, as prescribed in such districts, provided that two side yards of not less than fifteen (15) feet in width, each, are provided. In no case shall such dwellings, however, exceed three (3) stories in height.
 - b. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit as established by the Height and Area Regulations of the One-family District. Necessary mechanical appurtenances, such as chimneys, cooling towers, domes, or spires, may be erected as to height in accordance with existing or hereafter adopted ordinances of the City Council.
 - c. Through Lots: On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height shall apply to a depth of not more than one hundred twenty-five (125) feet from that street.
 - d. Yard: In any One-family District where lots comprising forty (40) percent or more of the frontage, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, except where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this ordinance, yet is less than the established setback for the block as provided above, such setback line shall apply.
 - e. Measurement of Yard Requirements: Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.
 - f. Projections into required Yards: Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a court more than twenty-five (25) feet nor into a minimum yard more than four (4) feet; provided further, that canopies or open porches having a roof area not exceeding eighty (80) square feet may project a maximum of eight (8) feet into the required front yard and a maximum of twenty (20) feet into the required rear yard; open paved terraces may project into a front yard not more than fifty (50) percent of the existing depth of the front yard and not more than fifty (50) percent of the width of the structure; open paved terraces may project into the rear yard not more than fifty (50) percent of the existing depth and width of the rear yard; under no circumstances shall the above mentioned paved terrace be used for parking and or vehicular turnaround.
 - g. Porches: Open porches extending into the required front yard shall not be enclosed; open porches extending into the required rear yard shall not be enclosed for ordinary living purposes such as sleeping, cooking or bathing; they may be screened-in or glassed-in. Open porches extending into the required front or rear yard shall maintain a ten (10) foot setback from the rear property line.

- h. Fire escape: An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into the rear yard.

5.1.C HEIGHTS EXCEEDING THIRTY FIVE FEET

The Planning and Zoning Commission may permit the construction of buildings in excess of thirty-five (35) feet in height upon obtaining Site Plan Approval. In Zoning Districts "S", "L", "H" (Commercial) & "I" (Industrial), the height of a building may be increased when the front, side and rear yard dimensions are each increased above the minimum requirements by one (1) foot for each foot when such building exceeds the height limit of thirty-five (35) feet up to a height of sixty-five (65') feet. Yard dimensions shall be increased two (2') feet for each foot such building exceeds sixty-five (65') feet. Any side or rear yard which is adjacent to "R" or "MF" Zoning districts should be increased two (2) times the above setback requirement. In no case shall the minimum side or rear yard adjacent to "R" or "MF" zoning districts be less than thirty five (35) feet.



5.1.D BUILDING ON CORNER LOTS

Single-Family Residential Detached Districts: "R-15,000", "R-9,000", "R-7,500", "R-6,500"
Where internal lots have been placed or sold fronting on the side street, buildings on corner lots may project not more than ten (10) feet in front of the line established for buildings by the front yard requirements for the interior lots on the side street, provided this regulation shall not be interpreted to reduce the building width of a corner lot in separate ownership at the time of the passage of this ordinance, to less than twenty-eight (28) feet, and provided that the side yard regulations above shall be observed.

Section 5.2 Parking And Loading Regulations

5.2.A GENERAL PROVISIONS

The following general provisions shall apply to parking requirements for all districts located within the City of Bedford:

- (1) In all districts, for all uses, there shall be provided, at the time any building or structure is erected, enlarged or increased in capacity, or at any time any other use is established, off-street parking spaces for motor vehicles in accordance with the requirements specified in this section.

- (2) Where more than one building is located upon a lot, the parking requirements shall be based upon the total floor area of all such structures.
- (3) It is the intent of these regulations to preserve and retain existing off-street parking and loading spaces in at least the minimum amounts as would be required if the existing use of the structure had been established or erected in full compliance with these provisions.
- (4) Except for single-family or two-family dwelling units, parking and loading areas shall be arranged so that vehicles shall not be required to back out of the parking or loading spaces directly into a public way.
- (5) Where parking areas abut required public sidewalks, the use of wheel stops or other appropriate measures, shall be utilized so that at no time shall any portion of a vehicle, when parked, extend over the surface of the sidewalk.
- (6) For the enlargement of a structure or for the expansion of a use of structure or land, there shall be required only the number of off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
- (7) For a change in the use of a structure or land, the number of additional off-street parking and loading spaces required shall be equal to the number required for the new use, according to the schedule below, less the number of spaces which would have been required for the previous use if it had been established in conformance with this section. In no case shall the total number of spaces required to be furnished exceed the minimum number required for the new use.
- (8) Areas designated for off-street parking shall be used for passenger and commercial vehicles.
- (9) Areas designated for off-street loading shall be used only for the loading and unloading of passengers, equipment, supplies or merchandise.
- (10) Carports shall be permitted in the R-15,000, R-9,000, R-7,500, R-6,500 single family and MD-1, MD-2, MD-3, and MD-4 moderate density residential zoning districts, and in the MF and M districts in accordance with the following conditions:
 - a. No carport may be located in the required front yard or required side yard adjacent to a street.
 - b. Material and design of carports, other than portable canvas carports located behind a screening barrier, must be comparable to that material located on the main structure.
 - c. Carports shall be permitted in the MF and M districts in accordance with the provisions indicated on an approved site plan or concept plan.

5.2.B SCHEDULE OF PARKING REQUIREMENTS

The parking requirements shall be in accordance with the following table:

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Residential		
Single-Family Detached Units ("R-6,500", "R-7,500", "R-9,000", & "R-15,000")	3 / unit	None
Single-Family Detached Units ("MD-3")	2 / unit	None
Single-Family Detached Units ("MD-4")	2 / unit	1 additional for each 4 units in development

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Townhouse, Condominium, Duplex, Triplex, Quadruplex or Row House ("MD-1" & "MD-2")	3 / unit	None
Multi-Family ("MF")	1.5 / 1 bed unit 2 / 2 bed unit 2.5 / 3 bed unit	None
Mobile Home Unit	2 / unit	None
Boarding or Rooming House, Hotel or Motel / Residence Motel or Inn	1 / residential unit	1 additional space for 200 sq. ft. of Exhibit or Ballroom space, plus 1 space per 100 sq. ft. of Meeting Rooms, plus 1 space per 2.5 seats in Restaurant and Lounge
Retirement Housing: Ambulatory Independent Residents	1.5 / unit	None
Retirement Housing: Nursing Home Facilities	1 / 2 beds	None
Dormitory	1.5 / 2 occupants for designed occupancy	None
Fraternity, Sorority, or Lodge	1 / 125 sq. ft.	none
Institutional		
Community Center	1 / 4 persons	None
Schools: Elementary	1 / 25 students	None
Junior High or Middle	1 / 18 students	
Senior High	1 / 5 students	
Trade	1 / 4 students	
Public Assembly Hall	1 / 3 seats	None
College or University	1 / 4 day students	None
Church	1 / 3 seats in the sanctuary or auditorium	None
Day Care or Day Nursery	1 / 5 pupils	None
Hospital	1.5 / bed	None
Library	1/400 sq. ft.	None
Mortuary or Funeral Home	1 / 4 seats in chapel	None
Recreational		
Theater	1 / 4 seats	None
Bowling Alley	4 / lane	None
Pool Hall, Arcade, Other Indoor Commercial Amusement	1 / 100 sq. ft. of floor area	None
Outdoor Commercial Amusement	1 / 500 sq. ft. of site area exclusive of building	None
Ballpark or Stadium	1 / 4 seats	None
Lodge or Fraternal Organization	1 / 125 sq. ft. of floor area	None
Driving Range	1 / 10 linear ft. of designated tee area	None
Miniature Golf	1 / tee	None

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Personal Services & Retail		
Personal Service Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Indoor Retail Store or Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Outdoor Retail Sales	1 / 500 sq. ft. of site area, exclusive of building	None
Furniture, Appliance Sales or Repair	1 / 600 sq. ft. of floor area	None
Coin- Operated or Self- Service Laundry or Dry Cleaner	1 / 200 sq. ft. of floor area	None
Shopping Center, Malls & Multi-occupancy uses (3-50 acres)	1 / 250 sq. ft. of floor area	None
Shopping Centers, Mall and Multi-occupancy use (over 50 acres)	1 / 300 sq. ft. of floor area	None
Food & Beverage Services		
Eating or Drinking Establishment (no drive-through service)	1 / 2.5 seats	None
Eating or Drinking Establishment (with drive-through service and all others)	1 / 150 sq. ft.	None
Business Services		
Bank and Savings & Loan or Other Similar Institution	1 / 300 sq. ft. of floor area	None
Medical, Dental Clinic or Office	1 / 250 sq. ft. of floor area	None
Veterinary Clinic	1 / 300 sq. ft. of floor area	None
Other Office or Professional Business	1 / 250 sq. ft. of floor area	None
Automotive & Equipment		
Service Station	Minimum of 6	None
Auto Repair Garage or Shop	1 / 350 sq. ft. of floor area	None
Auto Repair Accessory Sales	1 / 300 sq. ft. of floor area	None
Vehicle or Machinery Sales (indoors)	1 / 500 sq. ft. of floor area	None
Vehicle or Machinery Sales	1 / 500 sq. ft. of floor area	None
Car Wash (self-serve or automatic)	2 / wash bay	(stacking spaces awaiting machine wash bay)
Storage, Wholesale and Manufacturing		
Brick or Lumber Yard	1 / 3 employees or 1 / 1,000 sq. ft. of floor area	(whichever results in more spaces)
Manufacturing or Warehousing	1 / 3 employees or 1 / 1,000 sq. ft. of floor area	(whichever results in more spaces)

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Outside Storage	1 / 5,000 sq. ft. of floor area	None
Mini-warehouse	1 / 3,000 sq. ft. of floor area	None

5.2.C MINIMUM DIMENSIONS FOR OFF-STREET PARKING

The design and dimensions of off-street parking shall be in accordance with the following table of minimum dimensions:

Parking Angle	Stall Width	Stall Length*	Maneuvering Space**
90 °	9 feet	18 feet	24 feet
60 °	9 feet	17 feet	20 feet***
45 °	9 feet	16 feet	20 feet***

* At right angles to building or parking line

** Aisle width perpendicular to building or parking line

*** If aisle is a designated Fire Lane, it must be a minimum of 24 feet, per Section 58.59, Bedford Fire Code

- (1) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- (2) Where off-street parking facilities are provided in excess of the minimum amounts here in specified, or when off-street parking facilities are provided but not required by this Ordinance, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

5.2.D OFF-STREET LOADING SPACE REQUIREMENTS

- (1) Retail, Office, and Service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets.
- (2) Individual loading space dimensions shall be required as a minimum to be ten (10) feet by twenty-five (25) feet and shall be provided as follows:

Gross Floor Area	Loading or Unloading Spaces
0 to 3,000 sq. ft.	0
3,001 to 20,000 sq. ft.	1
20,001 to 40,000 sq. ft.	2
40,001 to 60,000 sq. ft.	3
Each 20,000 sq. ft. additional	1 additional

- (3) No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility elsewhere herein required.
- (4) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public rights-of-way.
- (5) Any person desiring a building permit for the construction, alteration, or change of use of the land or any business building or structure shall submit a plot plan to the Building Official designating the number, dimensions, and locations of all loading areas and all proposed avenues of ingress and egress to the property from adjacent public thoroughfares. The

Building Official shall not issue such permit if it is determined that the proposed loading and unloading facilities will present a direct or indirect hazard to vehicular or pedestrian traffic.

5.2.E STACK SPACE REQUIREMENTS

All business uses containing an automobile drive-in type ordering or service facility, whether manned or unmanned, shall provide automobile stack space in conjunction with the drive-in facility. Stack spaces shall be nine (9) feet wide by eighteen (18) feet long (9' x 18') and shall be located in a sequential arrangement oriented to the drive-in ordering or service area. The space occupied by an automobile placing an order or being served shall not be considered as a stack space. Required stack space(s) shall not be on any street rights-of-way or an alley, any necessary maneuvering area for parking spaces within the general traffic circulation pattern of a parking lot, or a designated fire lane. Stack spaces may be situated in a straight alignment or in a curbed pattern with functional radii. All stack space requirements shall be in addition to all parking space and loading requirements specified above. Such stack space(s) shall be provided as follows:

Land Use	Required Stack Spaces
Bank, Savings & Loan, or other Financial Transaction Facility	Three (3) spaces
Food Service Facility	Three (3) spaces from ordering location if separate from pick area.
Car Wash, Self Service or Automatic	Two (2) spaces
Film/Film Processing Sales, Laundry and / or Cleaning Facility, and Similar Sales or Retail Facility	One (1) space

5.2.F HANDICAPPED PARKING SPACES

- (1) In each parking facility in zones "MF", "S", "L", "H", and "I", a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped. These spaces will be provided according to the following schedule:

Total Spaces in Parking Lot	Required Handicapped Spaces
1 to 100	1 per 25 spaces
101 to 200	Additional 1 per 50 spaces
201 to 500	Additional 1 per 100 spaces
Over 500	2% of total

- (2) Each parking space designated for use by the handicapped shall consist of a rectangular area not less than twelve and one half (12.5) feet wide by eighteen (18) feet long, with a vertical clearance of seven and one half feet (7.5).
- (3) Each designated handicapped parking space shall be located in an area not exceeding two (2) percent slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons.
- (4) Parking spaces for the handicapped shall be signed in accordance with State law and restricted for use by the Handicapped only.

- (5) Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.
- (6) All applicable ADA requirements for parking spaces must be met.

Section 5.3 Specific Use Permits

5.3.A PURPOSE

Certain uses, because of the characteristics of the use, may be appropriate in some zoning districts under certain conditions in addition to the zoning districts wherein they are a permitted use. These uses have been identified by the City Council in Section 3.1, Schedule of Permitted Uses.

5.3.B PROCEDURE

The City Council, by an affirmative vote, may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission, that the use is in general conformance with the Master Plan of the City and contains such requirements and safe guards as are necessary to protect adjoining property, to authorize the location of certain uses in a special district. All Specific Use Permit requests must be accompanied by a Site Plan. Such site plan shall meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition to the site plan requirements in Section 5.4, Site Plan Requirement of this Ordinance, a site plan for a proposed Specific Use Permit shall show the relationship of the intended use to all existing properties and land uses in a direction to a minimum of two hundred (200) feet. In addition, all requirements listed in Section 3.2, Explanations of Uses and Specific Use Permit Requirements must be met.

5.3.C DURATION OF SPECIFIC USE PERMIT

Every Specific Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration. However, the City Council may, upon recommendation by the Planning and Zoning Commission, impose time limitations on a Specific Use Permit after which a new Specific Use Permit must be requested for continuation of the use.

A building permit shall be applied for and secured within one (1) year from the time of granting the Specific Use Permit provided, however, the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission.

5.3.D CONDITIONS

In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Inspector for use of the building on such property pursuant to such Specific Use Permit; such conditions shall not be construed as conditions precedent to the granting of the certificate of occupancy.

5.3.E COMPLIANCE

No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by, and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and the City Council.

5.3.F REVISIONS TO A SPECIFIC USE PERMIT

No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement modification, structural alteration, or change. A change of ownership or a change in the business name does not in itself constitute a significant change requiring a new Specific Use Permit.

5.3.G BOARD OF ADJUSTMENT

The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting extension, revocation, modification, or any other action taken relating to such Specific Use Permit.

Section 5.4 Site Plan Requirements

5.4.A GENERALLY

Whenever a site plan is required by this Ordinance, such site plan must conform to the requirements of this section. All site plans must be approved by action of the Planning and Zoning Commission, unless otherwise provided herein.

- (1) The approved site plan must accompany the request for the issuance of the building permit.
- (2) Changes in any site plan required by this Ordinance and approved by the Planning and Zoning Commission shall be processed the same as the original approval of the site plan, except that changes of detail, less than 20%, which do not alter the basic relationship of the proposed development to adjacent property, and which do not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved site plan may be authorized by the Community Development Director. An aggrieved party may appeal the decision of the Community Development Director to the Zoning Board of Adjustment in accordance with the provisions of this Ordinance.

5.4.B SITE PLAN REQUIRED

When required by the Administrative Official, Applicable Advisory Board, Commission, or the City Council, any applicant for a zoning change shall submit a proposed site plan for approval. It is the established policy of the Planning and Zoning Commission and the City Council under this section of the City of Bedford Zoning Ordinance that a site plan will be required for any application for a zoning change to "S", "L", or "H" Commercial, and to "I" Industrial, on any tract of land which meets one or more of the following conditions:

- (1) Adjacent to any of the following Single Family Residential Zoning Districts: "R-15,000"; "R-9,000"; "R-7,500"; "R-6,500"; "MD-1", "MD-2", "MD-3", and "MD-4".
- (2) Unique topographical conditions are present on the tract.
- (3) Greater than three (3) acres in area.
- (4) Any property located within the Central Business District Overlay, Cheek-Sparger Entrance District, or Master Highway Corridor Overlay District. (See Sections 4.16, 4.17 and 4.18 respectively)

5.4.C NOTICE AND HEARING

Notice and hearing requests for site plan approval shall be conducted as follows:

- (1) Owners of record of property within two hundred (200) feet of the property under consideration will be notified of site plan consideration by the Planning and Zoning Commission.
- (2) The City Manager or designee shall have at least one (1) sign erected on the property for which site plan consideration of the Planning and Zoning Commission has been requested. The sign shall have total area of at least four (4) square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a site plan and the telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any site plan recommendation or approval or the holding of any public hearing.
- (3) Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance and shall be referenced on the Zoning District Map. Hearings held by the Council for consideration of approval of such zoning changes and accompanying site plans shall be conducted in accordance with the provisions of Section 6.3, Procedure for Changes and Amendments of this Ordinance and state law.
- (4) Council approval of a site plan required for the issuance of a building permit, in which no zoning change has been requested, shall not constitute an Official Public Hearing as required by Section 6.3 Procedure for Changes and Amendments. Notice of the consideration of the site plan by the City Council in the posted agenda of the Council shall be sufficient notice for the purposes of approving a site plan by City Council action for the issuance of a building permit.

5.4.D FORM AND CONTENT

The Site Plan shall contain the information listed below. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Planning and Zoning Commission, the City Council, and the officers required to enforce and interpret this Ordinance:

- (1) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.
- (2) Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations. (Note: If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet, the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of those surrounding properties and shall include information indicating the drainage and line of sight effect. The proposed grading plan will have on the surrounding properties.).
- (3) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
- (4) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line, and/or alley shall be submitted. For buildings more than one (1) story in height, except "R-15000", Residential, through "MD-1", Duplex residences, elevations

- and/or perspective drawings shall be required in order that the relationship of the buildings to adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light, and air. A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- (5) Total number and location of off-street parking and loading spaces. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to the building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site.
 - (6) All points of vehicular ingress and egress and circulation within the property, including any special traffic regulations facilities proposed or required to assure the safe function of the circulation plan.
 - (7) Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.
 - (8) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
 - (9) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them. When necessary to protect the public health, safety, or welfare, the City Council or the Planning and Zoning Commission may require landscaping and screening requirements to be in place prior to the start of construction pursuant to an approved site plan.
 - (10) A land use plan that delineates where multiple types of land use are proposed, the specific areas to be devoted to various uses.
 - (11) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address, or common description of the property.
 - (12) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
 - (13) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and dimensions of flow.
 - (14) Land uses and Zoning District contiguous to the property.
 - (15) Existing buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
 - (16) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas as those terms are defined in the Stormwater Utility Ordinance.
 - (17) Roadway speeds and distances of adjacent driveways from all proposed driveways.
 - (18) Requests for alcoholic beverages uses shall also show the distances from schools, churches, and daycare facilities.

5.4.E CONSIDERATION

In considering, granting, or denying an application for a site plan as provided for in this Ordinance, the Planning and Zoning Commission and the City Council shall take into consideration the following factors:

- (1) Compliance with the Zoning Ordinance, the Subdivision Ordinance, and all other ordinances of the City.
- (2) Such other measures as will secure and protect public health, safety, morals, and general welfare.

Section 5.5 Screening Requirements

5.5.A FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required side or rear yard, the maximum height of such permitted fences being eight (8) feet. Decorative fences will be permitted in any required front yard as long as vision is not impaired and height does not exceed two and one-half (2.5) feet.

5.5.B FENCES ABUTTING INCOMPATIBLE DISTRICTS

- (1) In commercial and industrial zoning districts that abut a lot or tract currently zoned or being used for residential purposes, or abuts a lot or tract zoned or for residential purposes, a solid masonry fence (a visual barrier) or masonry wall at least six (6) feet in height will be erected and shall be adequately maintained by the owner of such commercial or industrial lot or tract. Such fence shall be required to be located adjacent to the property lines requiring a landscape buffer area on the commercial or industrial zoned lot or tract. If there is an existing masonry fence or wall at least six (6) feet in height on the abutting residential lot or tract, no additional masonry screening is required. The residential lot or tract owner (or Home Owners Association) is responsible for the maintenance of the masonry screening located on the residential lot or tract. Fence locations other than adjacent to the property lines may be allowed under specific site plan approval by the City Council.
- (2) Where the commercial or industrial district abuts a lot zoned for residential purposes, but such lot is not currently being used for residential purposes, the City shall permit the owner to pay into escrow, for the construction of a six (6) feet high masonry wall, an amount of money equal to the cost of constructing such wall, as a condition precedent to the issuance of a Certificate of Occupancy. The amount to be placed into escrow will be based upon the cost of the construction of the masonry wall as determined by the City Manager or designee.
- (3) If the residentially- zoned property is developed for a residential use within seven (7) years after the money is placed into escrow, sums equal to the construction cost of the masonry wall will be withdrawn from the escrow account to fund such construction. If the residentially- zoned property is not developed within the seven (7) years after the money is placed into escrow, then the escrowed amount shall be used by the City to construct such masonry wall. In the event the abutting residential property is rezoned to a nonresidential use within seven (7) years after the money is placed into escrow, the remaining amount in the escrow account as of the rezoning date shall be refunded to the owner. No refunds will be made by the City to any owner after the seven (7) year period has expired, nor shall the City ever be liable for payment of interest in any deposits or refunds provided for herein.

5.5.C SCREENING OF AUTO STORAGE AREAS

Auto repair businesses that provide temporary auto- storage areas shall screen those areas with a six (6) foot permanent fence.

5.5.D SCREENING OF EXPOSED MECHANICAL UNITS, DUMPSTERS & PERMANENT RECYCLING CONTAINERS

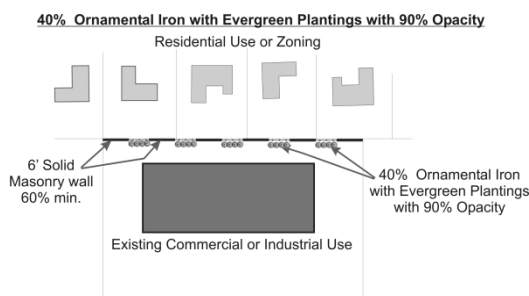
All exposed mechanical units located on grade shall be appropriately screened from view by either the use of live plant material of the evergreen variety, or fencing. All exposed roof- mounted mechanical units (including fans, vents, cooling towers, etc.), which extend above the roof or parapet line shall be screened from public view. Garbage/refuse facilities (dumpsters) and permanent paper recycling containers will be screened on at least three (3) sides with a masonry wall of at least six feet (6') in height. Permanent for the purposes of this subsection shall mean any placement that exceeds 90 days per calendar year."

5.5.E NONCONFORMING SCREENING

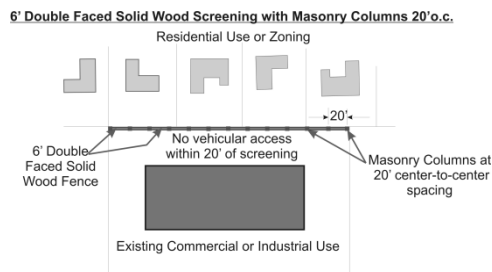
Existing commercial and industrial lots or tracts where the screening provided on August 1, 2003 is nonconforming, must construct a fence in conformance with one of the following alternative screening methods by November 14, 2004. The screening element(s) shall be adequately maintained by the owner. The property owner must apply for the building permit to construct the alternative screening method by May 14, 2004. For the purposes of this section, all wood screening fences must be constructed with 0.095 gauge steel posts at least 2 3/8" in diameter, in concrete footings, with spacing no greater than eight (8') feet on center.

(1) A solid masonry fence or masonry wall at least six (6) feet in height.

(2) A screening wall at least six (6) feet in height composed of a minimum of 60% solid masonry and up to 40% of the area of the (including columns) composed of ornamental iron with evergreen landscape plantings, six feet (6') in height at the time of planting, providing a visual screen with an opacity of at least 90%;



(3) A double-faced solid wood screening fence six (6') feet in height with masonry columns constructed at twenty foot (20') spacing center-to-center with no vehicular access within twenty feet (20') of the screening fence;



(4) A six (6') foot tall double-faced solid wood screening fence with a landscaping buffer at least twenty-five feet (25') in width with at least one three inch (3") caliper tree, twelve feet (12') in height, every thirty feet (30');

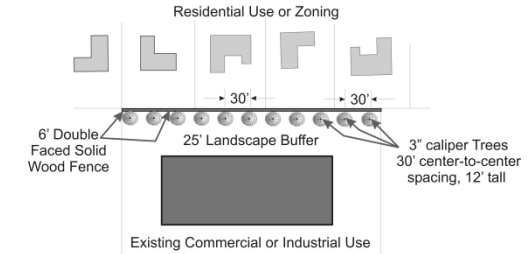
(5) A shorter masonry wall constructed on top of a landscaped earthen berm such that the overall height of the screening is at least six feet (6') from the normal ground level of the adjacent properties;

(6) A double-faced solid wood screening fence with two feet of additional in height for at total height of eight feet (8') with no vehicular access within twenty feet (20') of the screening fence and with at least one three inch (3") caliper tree, twelve feet (12') in height, every thirty feet (30');

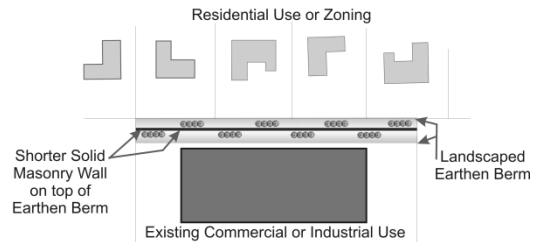
(7) A continuous evergreen landscape planting screen, six feet (6') in height at the time of planting, providing a visual screen with an opacity of at least 90%, with the building setback a minimum of thirty feet (30') from the residential property with no impervious surface (parking area, maneuvering area, fire lane or vehicular access area) or outside storage between the building and the property line (only a pedestrian sidewalk is allowed in this area);

(8) If the adjacent zoning or use is apartments or the zoning is "MF" Multifamily and the building separation from the commercial building and the apartment building is over fifteen (15') feet, a double-faced solid wood screening fence eight (8') feet in height with at least one three inch (3") caliper tree, twelve feet (12') in height, every thirty feet (30');

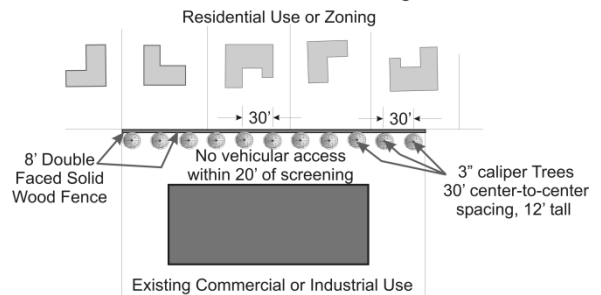
6' Double Faced Solid Wood Screening with 25' Landscape Buffer



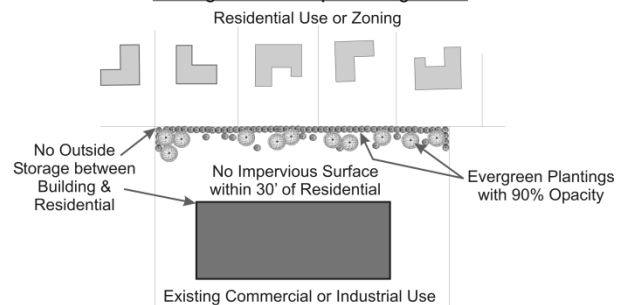
Shorter Masonry Wall on Landscaped Earthen Berm



8' Double Faced Solid Wood Screening Fence

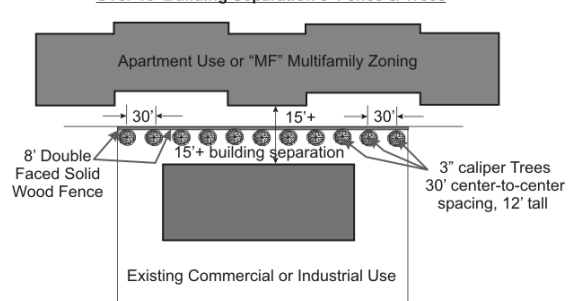


6' Evergreen Landscape Planting Screen

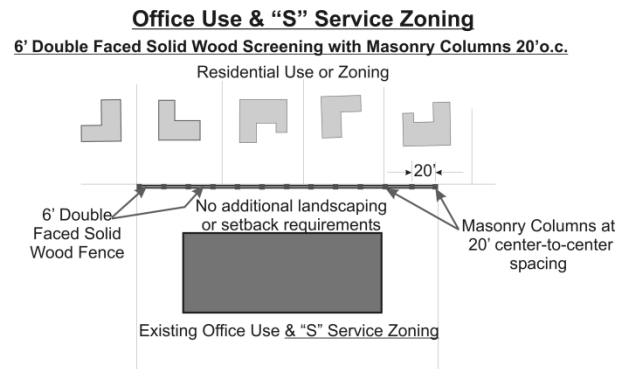


Commercial adjacent to "MF" Multifamily

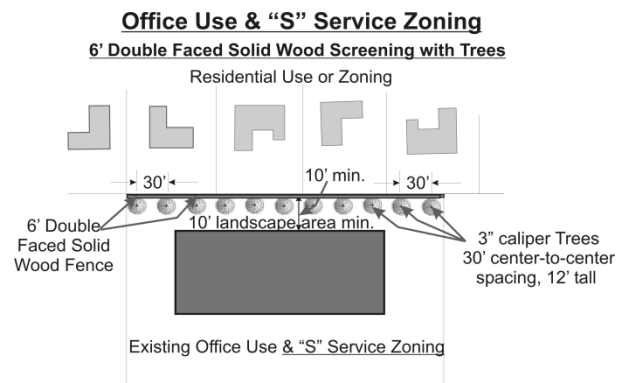
Over 15' Building Separation 8' Fence & Trees



(9) If the business use is professional offices and the zoning is "S" Service Commercial and not a Specific Use Permit, a double-faced solid wood screening fence six feet (6') in height with masonry columns constructed at twenty foot (20') spacing center-to-center. Professional offices as, used in this section, includes the Business and Professional Services uses allowed by right in the "S" Service Commercial zoning district, "Section 3.1 Schedule of Permitted Uses".



(10) If the business use is professional offices and the zoning is "S" Service Commercial and not a Specific Use Permit, a double-faced solid wood screening fence six (6') feet in height with at least one three inch (3") caliper tree, twelve feet (12') in height, every thirty feet (30') within a landscape area a minimum of ten (10') feet in width;



(11) An alternative screening method, from those listed above, may be requested as a Special Exception to be considered by the Zoning Board of Adjustment. The commercial property owner shall present evidence that an alternate screening element customized for that particular property's unique conditions is needed. The Zoning Board of Adjustment can consider any and all evidence and testimony presented including, but not limited to, financial or economic hardships or costs. Any special exception granted by the Zoning Board of Adjustment shall apply to the record owner of the property on the date the special exception is granted, and shall not run with the land. The special exception shall not be applicable to subsequent owners of the property.

5.5.F MASONRY CONSTRUCTION

Masonry construction shall include 4" x 8" bricks, decorative block, split face stone construction, natural stone, stucco, or other masonry material approved and constructed in accordance with the Bedford Building Code; but shall not include concrete masonry unit (CMU) blocks.

Section 5.6 Landscaping Requirements

5.6.A PURPOSE

The purpose of this section is to establish landscaping requirements in zoning districts "MF", "S", "L", "H", and "I" to enhance the community's ecological, environmental, aesthetic qualities, and beautification efforts. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of Bedford.

5.6.B LANDSCAPE INSTALLATION REQUIRED

Twenty (20) percent of the total land area in any proposed development or construction occurs for any use after the effective date of this Ordinance shall be landscaped. This twenty (20) percent requirement shall apply to each phase as it is developed. This twenty (20) percent requirement may be reduced through the application of credits granted in the manner described in Subsection 5.6 E, Credits Toward Landscaping Requirements.

5.6.C LANDSCAPE PLAN REQUIRED

A landscaping plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the site plan. The landscape plan shall contain the following information:

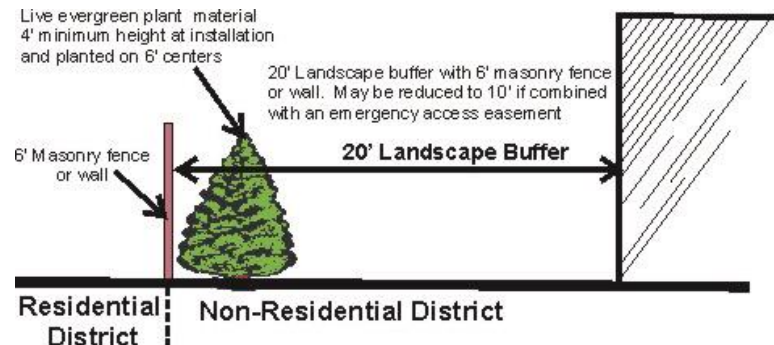
- (1) Location of all existing trees with indication as to those to be preserved.
- (2) Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features.
- (3) Species of all plant material to be used.
- (4) Size of all plant material to be used.
- (5) Spacing of plant material where appropriate.
- (6) Layout and description of irrigation, sprinkler, or water system, including placement of water sources.
- (7) Description of maintenance provisions of the landscaping plan.
- (8) Persons responsible for the preparation of the landscape plan.

5.6.D LOCATIONAL CRITERIA

The following locational criteria shall apply to the landscaping provided:

- (1) Not less than forty (40) percent of the total landscaping shall be located in the designated front yard.
- (2) Developments in "S", "L", "H", AND "I" zoning districts which abut districts zoned residential or multi-family shall provide a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety", a minimum of four (4') feet in height at the time of installation, and planted on six (6) foot centers, for the entire distance along which the development abuts the residential or multi-family districts. A planting mix of larger trees of evergreen variety is permitted with a reduction in "on center" planting requirements. Equal coverage must be maintained.

However, any variation of the planting mix and/or the "on center" distance must be included on a landscape plan prepared by a landscape architect and/or landscape professional and approved by the Building Official. Where an emergency access easement is required, the green belt may be reduced to ten (10) feet.



- (3) It is the intent of this Ordinance that all required landscaping shall be designed in such a manner as to encourage the landscaping to be in several groupings of landscape planting distributed on all sides fronting public highways.

- (4) Landscape planting shall not be erected or installed in such a manner to interfere with traffic view or impose a safety hazard.
- (5) Landscaping of City Rights-of-way on Abutting Streets - Street Trees: At the option of the owner-developer, and issuance of a permit by the City, the owner-developer may landscape the city rights-of-way easement on public streets adjoining the subject property with a combination of grass or ground cover and trees with the following limitations:
 - (a) The trees shall be located on twenty-five (25) foot centers, and shall be a minimum of two (2) inches in diameter at the time of installation. Trees planted in street rights-of-way must be maintained so that the lowest branches are no lower than nine (9) feet above the ground in order to allow adequate visibility.
 - (b) The trees shall not be arranged in a manner to interfere with traffic flow or traffic view. The decision of the traffic engineering office of the City of Bedford shall be final in questions regarding traffic view or traffic safety.
 - (c) Trees shall not be permitted in rights-of-way containing City's water and sanitary sewer mains.
 - (d) No trees or vertical plants shall be permitted within five (5) feet of any fire hydrant.
 - (e) The owner recognizes that the City or any franchised utility will not be responsible for damage to any landscaping while performing repairs or maintenance to its system.
 - (f) If the owner-developer elects to provide landscaping within the right-of way this landscaping will count toward the total landscaping required.
 - (g) For each of exclusive of driveways, sidewalks, and paved areas, there shall be allowed a three (3) square foot credit against the overall landscaping requirement of twenty (20) percent of the total land area in the development up to a maximum and not to exceed three (3) percent.

5.6.E CREDITS TOWARD LANDSCAPING REQUIREMENTS

Credits toward the landscaping requirements may be granted in the following manner; however credit shall not reduce the total required landscaped area to less than ten (10) percent: (These credits will be applied against the percentage requirements indicated in Subsection 5.6 B, Landscape Installation Required.)

Schedule of Possible Credits:

Additional Enhancement	Credit
Three-inch tree (trunk diameter measured 12" above grade)	200 sq. ft.
Six-inch tree (trunk diameter measured 12" above grade)	400 sq. ft.
Ten (10) one-gallon shrubs	100 sq. ft.
Twenty-five (25) square feet of flower bed(s)	100 sq. ft.

5.6.F INSTALLATION AND MAINTENANCE

- (1) All landscaping shall be permanently maintained and adequate provisions shall be made at the time of installation for adequate inconspicuous watering sources. Failure to permanently maintain any such landscaping shall be deemed a violation of the zoning ordinance.
- (2) Should any of the plant material used in any landscaping required under this Ordinance die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this Ordinance.

- (3) Landscaped area shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.
- (4) All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

5.6.G LANDSCAPING OF PARKING LOTS

It is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:

- (1) A minimum of ten (10) percent of the gross parking area shall be devoted to living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks.
- (2) Interior areas of parking lots shall contain landscaped areas located so as to best relieve the expanse of paving.
- (3) Landscape material, which is located within the interior of a parking lot, shall be surrounded by a curb of four (4) inches in height.
- (4) Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between twenty four (24) inches in height and seven (7) feet in height. No shrubs shall exceed twenty four (24) inches in height. Tree canopies shall be at least seven (7) feet in height.
- (5) For large existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.

5.6.H CERTIFICATE OF OCCUPANCY

- (1) All landscaping shall be completed and installed in accordance with the approved landscape plan within six (6) months of a certificate of occupancy being granted. If the developer cannot install the landscaping required within the six (6) month period they must provide documentation stating the reason for the delay and a schedule indicating when installation will occur.
- (2) If these requirements have not been satisfied within the six (6) month period, from when the certificate of occupancy is issued, the property owner shall be considered in violation of the zoning ordinance of the City of Bedford and shall be subject to the penalties established herein.

5.6.I NONCONFORMING USES AND/OR STRUCTURES

All uses that are in existence at the time of the adoption of this landscape ordinance, which do not meet the requirements provided herein, will be considered as being legal nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to Section 2.3, Nonconformities, unless otherwise provided for in this section.

5.6.J RELIEF FROM LANDSCAPING REQUIREMENTS

Upon completion of the following, relief from landscaping requirements may be granted in situations where the individual circumstances of an existing facility limit the applicants' ability to comply with the requirements of this Ordinance:

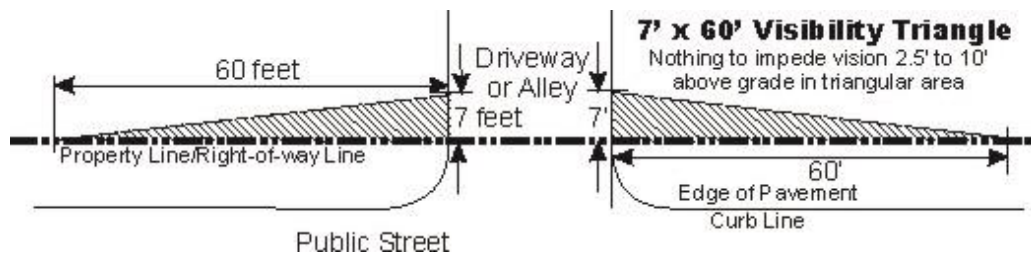
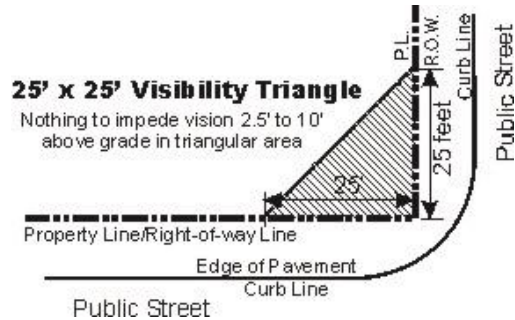
- (1) The applicant shall provide the City with an alternative landscape plan for review and approval.

- (2) Said landscape plan will illustrate a plan to landscape the area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
- (3) The installation of landscaping as indicated by the landscape plan is completed and approved by the City.

Section 5.7 Visibility at Intersections

5.7.A VISIBILITY AT INTERSECTIONS

Nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of each corner lot and a line joining points along said street lines twenty-five (25) feet from the point of intersection.



A visibility triangle area measuring seven (7) feet by sixty (60) feet for all driveway to street intersections shall be maintained.

Section 5.8 Masonry Construction

5.8.A STANDARD MASONRY CONSTRUCTION

Exterior walls for each of the main walls for the main building in all zoning districts except industrial are required to have a minimum of sixty-five (65) percent standard masonry construction, excluding windows and doors, below the first floor ceiling plate line. Detached garages and servant quarters shall have at least thirty-five (35) percent of each exterior wall below the first floor ceiling plate line constructed of standard masonry. All other accessory buildings are excluded from this requirement.

5.8.B STANDARD MASONRY CONSTRUCTION DEFINED

Standard masonry construction is defined as the veneer of exterior walls constructed of 4"x8" bricks, decorative block, split face stone construction, natural stone, stucco, or other masonry material approved and constructed in accordance with the Bedford Building Code; but shall not include concrete masonry unit (CMU) blocks.

Section 5.9 Outside Sales and/or Storage of Merchandise

5.9.A PURPOSE

Certain outside sales and/or storage of merchandise may be essential to the full development and utilization of the land and deemed to promote the health, safety, and general welfare of the City. The outside and/or storage of merchandise hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

5.9.B PERMIT REQUIRED

In "L" and "H", Commercial Zoning Districts, the outside sales and/or storage of merchandise for sale is prohibited in the City of Bedford unless a permit for such outdoor activities is obtained by the applicant.

5.9.C ADMINISTRATIVE APPROVAL

A request for a permit for outside sales and/or storage may be approved by the City Manager or his/her designee if the following conditions exist:

- (1) There are no complaints on record for similar activities held by the applicant.
- (2) Appeal of the decision by the City Manager or his/her designee may be made to the Zoning Board of Adjustment. A governmental entity is exempted from the required fee for a permit.

5.9.D ZBA APPROVAL

A request for a permit for outside sales and/or storage may be approved by the Zoning Board of Adjustment if the following conditions exist:

- (1) The City Manager or his/her designee determines that approval by the Zoning Board of Adjustments is necessary.
- (2) There are complaints on record for similar activities held by the applicant.

5.9.E CONTENT OF APPLICATION

An Application for a Permit to Conduct Outside Sales and/or Storage of Merchandise for Sale shall include the following:

- (1) A description (including a scale drawing) showing the exact location and limits of the area for the outside activities.
- (2) Exact dates of the commencement and termination of the outside sales/ storage Activities.
- (3) Location and construction of any temporary signs to be used in connection with the outside sales/storage activity.
- (4) Signed certification by the responsible party and the record owner of the land that all information provided is true and correct, and all schedules will be strictly adhered to.

5.9.F EXEMPTIONS

Certain commercial and/or retail uses commonly utilize outside sales and storage of merchandise for sale. Such activities are inherent in the nature of these uses and are essential to the conduct of these businesses. Therefore, the following primary business users are exempt from the requirements for "Permit" for these activities:

- (1) Landscape Services and Commercial Greenhouses.
- (2) Stone Monuments.
- (3) Building Materials/Lumber Yards.

- (4) Motorcycle and Motor- Scooter Sales.
- (5) Boats and Marine- Craft Sales.
- (6) Farm Machinery and Farm- Implements Sales.
- (7) New and Used Car and Truck Sales.
- (8) Motor Home, Camper, and Recreational- Vehicle Sales.
- (9) Heavy- Construction Equipment and Implements Sales.

5.9.G CONDITIONS

All outside sales and/or storage of merchandise for sale shall be subject to the following conditions:

- (1) No more than fifty (50) percent of the width of the pedestrian path abutting the building shall be used for storage, providing that the remaining pedestrian path shall contain no less than three feet.
- (2) No more than twenty-five (25) percent of the linear pedestrian path abutting the building of an individual business shall be used to sell or store materials and merchandise without a permit. (Includes grocery carts, newspaper dispensers, ice machines, and food and drink dispensers).
- (3) No storage of materials shall be allowed within three (3) feet of a required egress path.
- (4) No storage of materials shall be allowed within the required Emergency Access Easement.

Section 5.10 Temporary Uses And Events

5.10.A PURPOSE

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses, civic events, and special events hereinafter enumerated shall not be deemed violations of this Ordinance when made under the conditions herein provided.

5.10.B PERMITTED TEMPORARY USES

The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted and approvals required are:

Zoning Districts Allowed: In All Districts

1. Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on- premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted when approved by the Building Official from the time of approval until the Certificate of Occupancy is issued or a period of two (2) years, whichever is less. An application must be submitted for a "Temporary Construction Office" on forms supplied by the Building Official's Office and shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing.
2. Public School Districts and Churches, Temples, and Synagogues:
 - a. Classroom, recreation, and administration needs for public school districts may be conducted in temporary buildings on public school district sites when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for "Temporary Educational Building" must be submitted on forms supplied by the Building Official's office and shall include a scale drawing showing the location, size, and material of all building(s) proposed and a schedule indicating expected phasing

of all temporary structures. Such permit shall be valid for five (5) years. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.

- b. Classroom, recreation, and administration needs for churches, temples, or synagogues may be conducted in temporary buildings on church, temple, or synagogue sites when approved by a Specific Use Permit amendment by the Planning and Zoning Commission and the City Council. An application for "Temporary Church, Temple, or Synagogue Building" must be submitted in accordance with the provisions for a site plan amendment to a Specific Use Permit. Such approval shall be valid for two (2) years and may be extended for an additional one (1) year period with approval of the City Council. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.
- c. Paper recycling containers may be placed on a temporary basis when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for Temporary Newspaper Recycling Container must be submitted on forms supplied by the Building Official's office and shall include a scale drawing showing the location, size and surrounding site features. Containers shall observe all required building setback lines and shall be placed in a visually unobtrusive location. Temporary basis shall be defined as no more than ninety (90) days per calendar year, in increments of no less than ten (10) days and no more than thirty (30) days. There must be a thirty (30) day absence of the paper recycling containers between temporary increments.

Zoning Districts Allowed: In All Residential Districts

- (1) Real Estate Sales Office - Temporary field real estate offices may be permitted in residential subdivisions when approved by the Building Official from the time of approval until the related project is eighty (80) percent complete or a period of two (2) years, whichever is less. Such temporary uses may be located in a "Model Home" or a portable building within the subdivision. An application for a "Temporary Real Estate Sales Office" must be submitted on forms supplied by the Building Official's office and shall include a plat of the subdivision showing the exact location of the proposed Sales Office and the size of the building.

5.10.C CIVIC EVENTS AND SPECIAL EVENTS

Civic events and special events may be conducted within an existing use and ancillary to that use provided it meets the following criteria (Nothing within this section shall regulate or prevent an individual residential property owner from conducting activities normally associated with residential uses, including outdoor parties and gatherings. In addition, such outdoors activities shall be subject to the other regulations and ordinances of the City of Bedford which regulate the orderly conduct within the neighborhood and take into consideration the health, safety, and public welfare of the adjacent property owners):

- (1) The event is carried on for a period of time not exceeding fifteen (15) consecutive days;
- (2) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and Nonprofit Organizations may conduct retail sales for fund-raising purposes in any zoning district;
- (3) Assemblies are carried on out-of-doors, in temporary shelters, or tents;
- (4) A permit is obtained in accordance with the provisions provide herein.

5.10.D CONTENTS OF APPLICATION

An Application for Approval of a Special Event shall include the following information:

- (1) Brief description of the event.
- (2) Designation of whether it is a Civic Event or Special Event.
- (3) Exact Location of where the event is to be held.
- (4) Expected Attendance.
- (5) Anticipated number of automobiles and proposed methods of providing parking for the same.
- (6) Location and construction of any temporary signs to be used in connection with the event.
- (7) Dates and times of commencement and termination of the event.
- (8) Signed certification by the Responsible Party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to.

5.10.E ADMINISTRATIVE APPROVAL

A request for an event may be approved by the City Manager or his/her designee if the following conditions exist, unless otherwise provided by this ordinance:

- (1) The event is located in either the "S", "L", "H", or "I" zoning district; or in the case of civic event endorsed by a non-profit entity, Independent District, or religious institution, the event is located in any zoning district.
- (2) There is no property zoned for residential within 50 ft. of the proposed activity.
- (3) The event is limited to two (2) days.
- (4) The activities proposed will be limited between the hours of 7 a.m. and 12 a.m. (midnight).
- (5) There are no complaints on record for similar activities held by the applicant.

Appeal of the decision by the City Manager or his/her designee may be made to the Zoning Board of Adjustment. A governmental entity is exempted from the required fee for a permit.

5.10.F ZBA APPROVAL

Approval of a permit for outside sales and/or storage may be approved by the Zoning Board of Adjustment if the following conditions exist:

- (1) The City Manager or his/her designee determines that approval by the Zoning Board of Adjustments is necessary.
- (2) The event is proposed to last for more than two (2) days.
- (3) The activities proposed will extend beyond the hours of 7 a.m. and 12 p.m. (midnight.)
- (4) There are complaints on record for similar activities held by the applicant.

5.10.G PARADES

Parades shall be regulated in accordance with Chapter 114, Article 8 – Parades, City of Bedford Code of Ordinances.

Section 5.11 Antenna Facilities

5.11.A PURPOSE

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the City. The placement of such equipment shall be located so that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore, the regulations governing the

location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this Ordinance when made under the conditions herein provided.

5.11.B DEFINITIONS

The following definitions shall apply.

Antenna: A device used in communications, which transmits or receives radio signals.

Antenna, Building Attached: Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility: A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

Antenna, Microwave: Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz, and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, Panel: Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular, or square devices approximately six square feet in size.

Antenna, Whip: Also known as "omni-directional" antenna. Shaped cylindrically, whip antennas have diameters between two (2) and (6) six inches, and measure between one (1) and eighteen (18) feet in height. They are used to emit signals in a three hundred sixty (360) degree horizontal plane and a compressed vertical plane.

Co-location: The act of locating wireless communications equipment from more than one provider on a single antenna facility.

Equipment Storage: A small, unmanned, single-story equipment building less than five hundred (500) square feet in size used to house radio transmitters and related equipment.

Monopole: An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

Lattice Towers: A tower having three or four support steel legs and holds a variety of antennas. These towers range from sixty (60) to two hundred (200) feet in height and can accommodate a variety of users.

Satellite Receive-Only Antenna: An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

5.11.C AMATEUR ANTENNAS RESIDENTIAL DISTRICTS

Amateur radio equipment, (including ham radio and CB equipment) and personal use TV antennas shall be allowed in the "R-15,000", "R-9,000", "R-7,500", "R-6500", "MD-1", "MD-2", "MD-3", "MD-4", "MF", and "M" zoning districts if it complies with the following regulations:

- (1) Antenna facility may be building attached, monopoles, or lattice towers.
- (2) Only one antenna facility per lot of record.
- (3) An antenna facility, exclusive of the height of any antenna or mast, shall not exceed thirty-five (35) feet in height; provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback

beyond the minimum setback required of a accessory building in the Zoning District Regulations contained in Chapter 4, Zoning District Regulations, or Section 5.1, Height and Area Regulations of the Zoning Ordinance. Regardless of the above, the maximum height for a tower permitted without a Special Exception in any residential district shall be sixty-five (65) feet.

- (4) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed sixty-five (65) feet in height without a Special Exception.
- (5) An antenna not fastened to an antenna facility shall not exceed fifty (50) feet without a Special Exception, except for an antenna, which does not extend more than eight (8) feet above a building on which it is mounted.
- (6) An antenna facility shall be limited to having the number and size of antennas attached that are allowed by the manufacturer's designs and specifications for maximum wind load requirements.
- (7) Setbacks:
 - (a) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards.
 - (b) Guy wires are permitted in required side and rear yards.
 - (c) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.
- (8) Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.
- (9) Antenna facilities shall not be permitted in any easement.
- (10) Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
- (11) Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, and the Building Code.
- (12) Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.
- (13) No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.
- (14) Owners of any antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the City upon three (3) working day's notice to the owner. Such notarized statement, and, if the antenna facility is capable of transmitting, a copy of their Federal Communications Commission license(s) must be provided prior to the issuance of a building permit.

- (15) No permit shall be issued for the installation of an antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department.
- (16) All antennas and/or antenna facilities shall be subject to a periodic inspection by a qualified expert, such inspection to be conducted and charged for by the City in accordance with provisions in the Building Code.
- (17) A Special Exception must be obtained from the Zoning Board of Adjustment for any antenna facility, which does not comply with the regulations specified herein above. See Section 5.11 J, Special Exceptions.

5.11.D COMMERCIAL ANTENNAS IN RESIDENTIAL DISTRICTS

Only building- attached antennas shall be allowed in residentially- zoned districts under the following conditions:

- (1) Stand alone commercial antenna facilities, which are not co-located on existing structures, shall not be permitted. The proposed antenna must be attached to or enclosed in an existing structure currently or last occupied by a non- residential use as listed in Section 3.1, Schedule of Permitted Uses, or attached to a power or telephone pole, water- storage tower, or other utility structure.
- (2) A Special Exception for additional height for antennas which are attached to existing power poles, stadium lights, elevated water tanks, or transmission towers, may be approved administratively. The administrative officer may elect to defer approval to the Zoning Board of Adjustment upon his/her discretion.

The antenna must not exceed eight (8) feet above the structure to which it is attached.

If attached to the exterior of a structure or a power or telephone pole, water- storage tower, or other utility structure the antenna must be at least seventy-five (75) feet above grade and painted to match the structure to which it is attached.

The antenna may be placed lower than seventy-five feet (75') above grade if completely enclosed within existing architectural elements of a building so as not to be visible.

Any associated equipment storage building shall be screened from public view by a decorative masonry wall with landscaping for aesthetic purposes.

All driveways accessing any antenna- facility site or equipment- storage site shall be constructed of an all- weather hard surface as approved by the City Engineer.

Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially- zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.

Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Towers must be installed as per the manufacturers' recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such towers, antennas, or masts must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers, Antenna Supporting Structures, and the Building Code;

Maintenance: Antennas obviously not in use or obviously in need of maintenance as determined by the Building Official shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

No part of an antenna or any attachment thereto, may extend beyond the property lines of the owner of such antenna.

Owners of any antenna must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna must be maintained at all

times and that proof of such insurance coverage can be demanded to be provided to the city upon three (3) working days notice to the owner. Such notarized statement and, if the antenna is capable of transmitting, a copy of their Federal Communications Commission license(s) must be provided prior to the issuance of a building permit.

No permit shall be issued for the installation of an antenna on a structure or property unless a notarized statement of permission from the owner is presented to the Building Department.

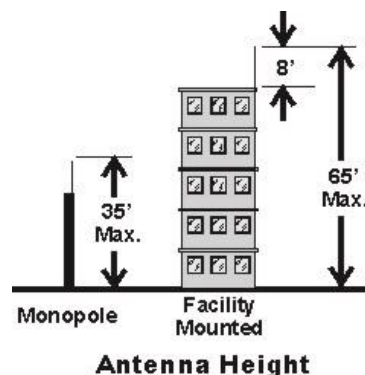
All antennas shall be subject to a periodic inspection by a qualified expert; such inspection to be conducted and charged for by the City in accordance with provisions in the Building Code.

5.11.E COMMERCIAL OR INDUSTRIAL ZONED DISTRICTS

(1) Building co-location is encouraged and multiple antenna facilities are allowed on the same building. Radio, television, microwave- broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving- only earth stations (home dish antenna) and any electronic emission equipment of a commercial nature shall be allowed in the "L", "H", and "I" zoning districts if it complies with the following regulations:

Antenna facilities shall be limited to building attached and monopoles only.

An antenna facility, exclusive of the height of any attached antenna, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the Zoning District Regulations contained in Article 4, Zoning District Regulations or Section 5.1, Height and Area Regulations of the Zoning Ordinance. Regardless of the above, the maximum height for an antenna facility permitted without a Special Exception in any "L", "H", or "I" district shall be sixty-five (65) feet.



The height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed sixty-five (65) feet in height without a Special Exception.

A Special Exception for additional height for antennas which are attached to existing power poles, stadium lights, elevated water tanks, or transmission towers, may be approved administratively. The administrative officer may elect to defer approval to the Zoning Board of Adjustment upon his/her discretion.

An antenna not fastened to an antenna facility shall not exceed fifty (50) feet except for an antenna, which does not extend more than eight (8) feet above a building on which it is attached.

An antenna facility shall be limited to having the number and size of antennas attached that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind- load requirements.

Setbacks:

Antennas and antenna facilities shall not be permitted in front or side yards.

Antennas and antenna facilities shall be setback from residential districts a minimum distance equal to two (2) times the height of the tower, but in no instance shall the setback be less than two hundred (200) feet from any residentially- zoned district.

Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.

Antenna facilities shall not be permitted in any easement.

Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially- zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.

Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facility must be installed as per the manufacturers' recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers, Antenna Supporting Structures, and the Building Code.

Maintenance: Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.

Owners of any antenna or antenna facility must sign a notarized statement that they acknowledge and accept that a minimum amount of \$300,000.00 liability insurance that covers the antenna or antenna facility must be maintained at all times and that proof of such insurance coverage can be demanded to be provided to the city upon three (3) working days' notice to the owner. Such notarized statement, and, if the antenna, or antenna facility is capable of transmitting, a copy of their Federal Communications Commission license(s) must be provided prior to the issuance of a building permit.

No permit shall be issued for the installation of an antenna, or antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department.

All antennas or antenna facilities shall be subject to a periodic inspection by a qualified expert, such inspections to be conducted and charged for by the City in accordance with provisions in the Building Code.

A Special Exception must be obtained from the Zoning Board of Adjustment for any antenna or tower, which does not comply with the regulations specified herein above, Section 5.11.E, sub-sections (1) through (15). See Section 5.11 J, Special Exceptions.

5.11.F WRITTEN REPORT UPON DENIAL OF REQUEST

- (1) The City of Bedford shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

5.11.G SATELLITE RECEIVE-ONLY ANTENNAS GENERALLY

- (1) Satellite receive-only antennas assist individuals in the receipt of satellite- transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety, and aesthetic objectives.

5.11.H SATELLITE RECEIVE - ONLY ANTENNAS

A satellite receive only antenna shall be allowed if it complies with the following:

- (1) The satellite receive- only antenna is two (2) meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non- federal land use regulations.
- (2) The satellite receive- only antenna is less than one (1) meter in diameter in any zoning district.

5.11.I SATELLITE RECEIVE-ONLY ANTENNAS

Greater than one (1) meter in diameter in residential districts and two (2) meters in diameter in commercial or industrial districts). Satellite receive-only antennas shall be allowed in any zoning district if it complies with the following regulations:

- (1) Only one satellite receive-only antenna per lot of record.
- (2) A satellite receive-only antenna shall not exceed ten feet in height.
- (3) Set backs:
 - a. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards.
 - b. Side: Satellite receive-only antennas shall be permitted in yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts.
- (4) Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.
- (5) Satellite receive-only antennas shall not be permitted in easements.
- (6) Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
- (7) Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers' recommendations or under the seal of a registered professional engineer of the State of Texas.
- (8) Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the Building Official shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare
- (9) No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna.
- (10) No permit shall be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department.
- (11) All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.

5.11.J SPECIAL EXCEPTION

Unless otherwise provided for in these regulations, a Special Exception must be obtained from the Zoning Board of Adjustment for any satellite receive-only antenna which does not comply with the regulations specified in Section 5.11.A through 5.11.H herein above. In considering whether to grant a Special Exception from the regulations specified above, the Zoning Board of Adjustment shall consider the following:

- (1) The effect on the value of the surrounding property.
- (2) The potential for interference with the enjoyment of the use of surrounding properties.
- (3) Aesthetics.
- (4) The necessity of the Special Exception for the public health, safety, and welfare of the citizens or for governmental purposes.

- (5) The Zoning District and the adjoining Zoning Districts of the property for which the Special Exception is sought.
- (6) The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:
 - a. Have a clearly defined health, safety, or aesthetic objective.
 - b. Furthers the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
- (7) The unique conditions that govern reasonable reception on any given lot.
- (8) To properly evaluate all applications to locate antennas or towers which do not comply with the regulations specified herein above the following information must be provided by the applicant:
 - a. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height.
 - b. Provide photos or drawings of all equipment, structures, and antenna.
 - c. Describe why the antenna or tower is necessary.
 - d. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.
 - e. Indicate if this antenna or tower site is to be connected to other sites and, if so, describe how it will be connected and the name of the back-haul provider;
 - f. The applicant must address whether they have made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. Describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators, which confirm the statements, provided. Indicate whether the existing sites allow/promote co-location and, if not, describe why.
 - g. Indicate whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason.
 - h. If the requested location is in a residential district the applicant must address whether they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators, which confirm the statements, provided.
 - i. Indicate the proposed provider's current coverage area for the City. Attach maps showing the coverage area the proposed provider's existing antenna, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover.
 - j. Describe the applicant's master antenna and tower plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan.
 - k. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the City.
- (9) The Zoning Board of Adjustment will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:

- (1) Applicant will permit co-location of others at the site.
- (2) Applicant will configure the antenna and other equipment to accommodate other providers.
- (3) Applicant will identify the backhaul provider connecting antenna sites.
- (4) Applicant will give notice to the City identifying any providers who co-locate to the site and identify their backhaul provider.

Section 5.12 Home Occupations

5.12.A GENERAL

In connection with the operation of a dwelling, any use permitted as a home occupation may be operated subject to compliance with the following conditions:

- (1) The use is operated in its entirety within the dwelling unit and/or other accessory structures and only by the person or persons maintaining a dwelling therein.
- (2) The home occupation does not have a separate entrance from outside the building to an isolated area of the house that is exclusively used for the home occupation.
- (3) The use does not display or create outside the building any external evidence of the operation of the home occupation.
- (4) The home occupation does not have any employee or regular assistant not residing in the dwelling unit in which the home occupation is operated or maintained, unless said employee does not perform services on the property.
- (5) No traffic or parking shall be generated by such home occupation that would unreasonably impact a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (6) Commercial delivery service required by the Home Occupation shall not deliver goods or products to the home more than four (4) times per month. Commercial delivery service shall be limited to vehicles with two axles.
- (7) No home occupation shall constitute a nuisance.
- (8) No outdoor storage of any type shall be permitted with any home occupation.

Section 5.13 Clothing Donation and Paper Recycling Containers

5.13.A CLOTHING DONATION CONTAINERS

- (1) **Definition** – Clothing Donation Container means any structure contained which has four walls, a roof and a floor, not exceed the dimensions of six (6) feet in width or depth, nor shall exceed seven (7) feet in height, which is used for the donation of clothing. Said structure or container shall be of adequate weight to withstand typical weather conditions as to not be moved within a parking lot by wind. The structure or container must be built substantially enough, as to not pose any public threat, and be painted or finished of earth tones and in a way that is visually coherent and conducive to its environment. For the purpose of this Section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum
- (2) **Permit Required** – It shall be unlawful for any person, organization or entity to place and/or operate a Clothing Donation Container within the City of Bedford without having first obtained a permit pursuant to this Section.
 - a. Any person, organization or entity seeking a permit under this Section shall file an application on a form to be furnished by the City containing the following information:

1. Applicant's name, business/organization name, and business/organization address, phone number, website (if applicable), name of responsible party, and email address for responsible party;
 2. Proof that applicant is a registered 501(c)(3) non-profit corporation or has been granted tax exempt status by the Texas Comptroller of Public Accounts or registration as a non-profit organization with the Texas Secretary of State;
 3. Proof of current general liability insurance with coverage limits equal to or greater than ONE MILLION DOLLARS (\$1,000,000), which also adds the City of Bedford as an additional insured and agrees to indemnify and hold harmless the City of Bedford;
 4. Description of the Clothing Donation Container, including drawing(s), size, design, and construction material, to be covered by the permit;
 5. Copy of a site plan showing the proposed location of the Clothing Donation Container on the lot, including any screening or landscaping proposed;
 6. If the applicant is not the owner of the property upon which the Clothing Donation Container is to be placed, a notarized affidavit from the property owner indicating written consent for placement and operation of the Clothing Donation Container on the property, and acknowledgement that the property owner and Clothing Donation Container operator shall be joint and severally liable for any violations of this Section; and
 7. Annual permit fee of ONE HUNDRED DOLLARS (\$100.00).
- b. The City shall either approve or deny the permit application within thirty (30) days of receipt of the completed application and payment of the annual permit fee. The City shall deny a permit application for one or more of the following reasons:
1. Failure to provide all information required in subsection 2(a) above;
 2. City determination that applicant has submitted inaccurate, erroneous or incomplete information;
 3. False statement(s) related to material matter(s) made in application for a permit;
 4. Refusal or failure to pay the annual permit fee; or
 5. Revocation of a permit issued pursuant to this Section within two (2) years preceding the filing of the application.
- c. Any permit issued pursuant to this Section shall be valid for one (1) calendar year from issuance, unless it is suspended or cancelled earlier. Applicants must re-apply for any renewal(s) of previously issued permits.
- d. Any permit issued pursuant to this Section shall be valid only for the specific Clothing Donation Container described in the permit application. A permit is required for each individual Clothing Donation Container.
- e. Any permit issued pursuant to this Section shall automatically expire if the permit holder removes the Clothing Donation Container from its permitted location, or the property owner(s) request that the Clothing Donation Container be removed from the property.

- f. Any permit issued pursuant to this Section is not assignable or transferrable under any circumstances.

(3) Minimum Lot Requirements - Clothing Donation Containers shall only be allowed as an ancillary use in any non-residential zoning district ("S", "L", "H", and "I") on lots greater than five hundred (500) square feet in size.

(4) Physical Container Requirements - A Clothing Donation Container shall have four walls, a roof and a floor, and not exceed seven (7) feet in height, six (6) feet in width or depth, or exceed thirty-six (36) square feet in total area. Its content must be secured and not accessible to anyone other than those responsible for retrieval of its contents. It must be constructed of a weatherproof or weather resistant material, be of adequate weight to not be moved by wind, and built substantially enough as to not pose any public threat. It must be painted or finished of earth tones and in a manner that it visually coherent and conducive to its surrounding environment. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum

(5) Posting Operator Contact Information – A Clothing Donation Container shall contain upon the front side, in at least two inch (2") type, the name, address, phone number, email address and website (if applicable) of the Clothing Donation Container permit holder and/or operator.

(6) On-Site Placement Requirements – Clothing Donation Containers shall only be placed on a property subject to the following conditions:

- a. Only one (1) Clothing Donation Container shall be placed on a single parcel of property.
- b. A Clothing Donation Container shall be placed on a platted lot.
- c. A Clothing Donation Container shall be placed behind all applicable setbacks as required by the Bedford Zoning Ordinance.
- d. A Clothing Donation Container shall be placed on an improved surface.
- e. A Clothing Donation Container shall be located in a manner that it does not impede vehicular or pedestrian traffic, nor visually impair any motor vehicle drivers from a public street.
- f. A Clothing Donation Container shall be located in a manner that it does not interfere with vehicle entrances or exits, on-street parking, or off-street parking maneuvering area, such that the Clothing Donation Container may cause safety hazards and/or unnecessarily inconvenience vehicular or pedestrian traffic.
- g. A Clothing Donation Container shall not be located in any parking space required to meet the minimum parking requirements for a site and may not be located in any platted or dedicated access easements or fire lanes.
- h. A Clothing Donation Container shall not be located in any required landscaped area or buffer yard area, and shall not be located within fifty feet (50') of a property being used for residential purposes.
- i. A Clothing Donation Container shall be placed at least two hundred feet (200') away from another Clothing Donation Container located on adjacent lots.
- j. A Clothing Donation Container shall be located in a manner that it does not pose a safety hazard with regards to a designated fire lane or building exit.

- k. Clothing Donation Containers must comply with any other requirements imposed as part of the site plan approved for the property.
 - l. No specific landscaping, screening fences or walls are required around Clothing Donation Containers, but aesthetically pleasing site design considerations are encouraged.
- (7) Service and Maintenance Requirements – Clothing Donation Containers shall only be placed on a property subject to the following conditions:
- a. A Clothing Donation Container shall be maintained in good condition and appearance, and be free of any structural damage or defects, holes, visible rust, or graffiti.
 - b. A Clothing Donation Container shall be serviced and emptied as necessary, but in no event, shall the Clothing Donation Container be serviced and emptied less than once every seven (7) days. A Clothing Donation Container operator and/or property owner shall have twenty-four (24) hours from receiving notice from the City to service and empty the Clothing Donation Container. Failure to service and empty the Clothing Donation Container within twenty-four (24) hours of receipt of notice from the City shall constitute a violation of this Section.
 - c. A Clothing Donation Container shall maintain, or cause to be maintained a ten (10) foot radius area surrounding the Clothing Donation Container free from any trash, debris or other material. A Clothing Donation Container operator and/or property owner shall have twenty-four (24) hours from receiving notice from the City to remove any trash, debris or other material from and around the Clothing Donation Container. If the Clothing Donation Container operator and/or property owner fail to do so, the City may remove or cause to be removed any such trash, debris or material at the Clothing Donation Container operator's and/or property owner's expense.
- (8) Violations – Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in accordance with Section 1-7 of the City of Bedford Code of Ordinances. Each day of violation shall constitute a separate offense. Both the Clothing Donation Container operator and property owner shall be jointly and severally liable for any violations under this Section.

Section 5.14 Storage Containers

5.14.A PURPOSE

The purpose of this section is to regulate the placement of storage containers in order to promote vibrant, attractive, pedestrian, mixed-use areas while protecting non-residential and residential neighborhoods by allowing the temporary use of storage containers by City of Bedford businesses, contractors, community-related users, and residents.

5.14.B GENERAL REGULATIONS

- (1) A permit issued by the City of Bedford shall be required to place each storage container for use on a property.
- (2) A permit for a storage container may be issued by the City of Bedford, provided the Building Official or designee has determined that the site contains no undesirable conditions to affect public safety or drainage and further provided that the site conditions conform to these regulations.
- (3) Storage containers shall not be stacked.

- (4) Storage containers shall not be allowed on properties that do not have a primary use. Storage containers are considered an accessory use and may be allowed in any zoning district in conformance with these regulations.
- (5) Storage containers shall be placed upon a paved surface as approved by the Building Official.
- (6) No storage container shall encroach into or across a sidewalk, firelane, access easement or street right-of-way.
- (7) Storage containers shall be painted and in good condition and appearance, with no structural damage, no holes in the container that would allow leaks, no visible rust, and free of graffiti or advertising (other than the name of the storage container provider company).

5.14.C COMMERCIAL STORAGE CONTAINER REGULATIONS

This subsection (5.14.C) shall apply to properties zoned "H" Heavy Commercial, "L" Light Commercial, "S" Service Commercial, "I" Industrial, and "MF" Multifamily, and properties being used as churches temples, synagogues, and schools.

- (1) Storage containers shall be placed behind the building, when possible. A storage container being used in conjunction with a current building permit may be placed in front of or to the side of a building.
- (2) Storage containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities or required landscape areas for the site.
- (3) Storage containers shall not exceed a size of 10 feet x 10 feet x 45 feet, unless approved as a Special Exception by the Zoning Board of Adjustment.
- (4) Storage containers shall not encroach into the twenty (20') foot buffer-yard area required on commercial property adjacent to residential properties.
- (5) The quantity of storage containers permitted shall be determined by the total aggregate square footage of principal buildings, with a maximum of one storage container allowed for each 5,000 square feet of principal building area or fraction thereof.
- (6) In nonresidential districts and for nonresidential uses legally located in residential districts, a temporary period that each storage container may be located on any premises, less than ten-acres, shall be sixty (60) days, with an interval of thirty (30) days between periods for each individual storage container.
- (7) The Building Official, or his designee, may administratively approve temporary exemptions to the above storage container regulations for a maximum period of four (4) months.

5.14.D RESIDENTIAL STORAGE CONTAINER REGULATIONS

This subsection (5.14.D) shall apply to properties zoned "R-15,000", "R-9,000", "R-7,500", "R-6,500", "MD-1", "MD-2", "MD-3" and "MD-4" residential, except for properties being used as churches, synagogues, or schools, which comply with the Commercial Storage Container regulations, stated above.

- (1) Temporary storage containers shall be allowed for a period of sixty (60) days; with an additional sixty (60) days allowed by administrative approval by the Building Official or his designee, or when being used in connection with a current building permit. The Zoning Board of Adjustment may grant Special Exception approval for the placement of a temporary storage container in a residential zoning district for a period exceeding one hundred and twenty (120) days.
- (2) No more than one storage container shall be allowed on residential lots.
- (3) Storage containers on residentially zoned property shall not exceed a size of 10 feet x 10 feet x 20 feet, unless approved by the Director of Development or his designee.

- (4) Storage containers in residential areas shall not be required to be placed on a paved surface in the rear yard in conformance with the accessory building setbacks stated in subsection 4.1.B(4). However, a storage container may be placed on the driveway in the front yard, and may encroach into the front yard or side yard setbacks, as long as the placement does not obstruct visibility and/or cause a traffic hazard.
- (5) Storage containers must maintain a minimum separation of five (5') feet from any building or structure.
- (6) As noted in subsection 5.14.C, storage containers on property zoned "MF" Multifamily or being used as a church, temple, synagogue or school shall be regulated according to the "Commercial Storage Container Regulations", stated above

Chapter 6. Procedures and Zoning Board of Adjustment

Section 6.1 Administration & Enforcement

6.1.A OFFICIAL

An Administrative Official designated by the City Manager shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as the City Manager may direct.

6.1.B DUTIES OF THE ENFORCING OFFICER

The Enforcing Officer (City Manager or his/her designee) shall have at least one sign, erected on the property to be rezoned (a total area of at least four (4) square feet). Such sign or signs shall, if possible, be located adjacent to streets. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of rezoning, and the telephone number of the public official from whom the dates of the public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or the holding of any public hearing.

6.1.C VIOLATIONS

If the Administrative official finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations, or structural changes, discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

6.1.D BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Administrative Official authorized to issue the same. No building permit shall be issued except in conformity with the provisions of this ordinance and all applicable building codes of the City.

6.1.E CERTIFICATES OF OCCUPANCY

In the MF, S, L, H, I zoning districts and all non-residential uses located in all zoning districts, it shall be unlawful to use, occupy, or reoccupy or permit the use, occupancy, or reoccupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance. In addition, no change in occupancy of a building, part of a building or land shall be made until after the enforcing officer shall have issued a certificate of occupancy

- (1) In the S, L, H, I zoning districts and all non-residential uses located in all zoning districts, a change in the ownership or name change shall require the issuance of a new certificate of occupancy.

- (2) In the S, L, H, I zoning districts and all non-residential uses located in all zoning districts, any building or structure which is leased or subleased, in separate lease-units, must have a certificate of occupancy issued to such separate lease-unit.
- (3) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Occupancy has been issued by the Administrative Official. The Certificate of Occupancy shall state specifically where the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this ordinance owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
- (4) No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Occupancy and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
- (5) A temporary Certificate of Occupancy may be issued by the Administrative Official for a period not exceeding three (3) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards to protect the safety of the occupants and the public.
- (6) The Administrative Official shall maintain a record of all Certificates of Occupancy, and copies shall be furnished upon request to any person.
- (7) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable under Section 6.9 B, Complaints Regarding Violations, of this Ordinance.
- (8) The Administrative Official shall issue a Certificate of Occupancy, and said certificate shall be required before any person, persons, corporation, association, etc., shall commence operation of any business within any classification under this Ordinance, whether same is within said zoning permitted or be by nonconforming use. Prior to the issuance of said certificate, said person, persons, corporation, association, etc., shall file an application in writing with the Building Official setting forth the purpose of use of the premises party responsible, and fee simple owner of said premises and shall charge a fee as established by the City Council by resolution. Said certificates will be issued only after the Administrative Official is satisfied that the occupancy will not be detrimental to the welfare of the general public.

6.1.F CONFORMANCE WITH PERMITS

Building Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement, or construction or variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by 6.9 B, Complaints Regarding Violation, hereof.

6.1.G REPLAT REQUIRED

No building permit will be issued for any building, which is constructed across existing lot lines unless a replat is filed and approved in accordance with the applicable regulations of the City of Bedford.

Section 6.2 Duties of Administrative Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

6.2.A PROCEDURE

All questions of interpretation and enforcement shall be first presented to the administrative official, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official. Recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

6.2.B DUTIES OF CITY COUNCIL

The duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance.

Under this Ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and of establishing a schedule of fees and charges as stated in Section 6.3, Procedures for Change and Amendments.

Section 6.3 Procedure for Changes & Amendments

6.3.A DENIAL BY PLANNING AND ZONING COMMISSION

If such proposed amendment, supplement, or change has been denied by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of all of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by a three-fourths (3/4) vote of the members of the City Council of the City of Bedford. Petitions must be filed in the Office of the City Secretary by the Friday prior to the Public Hearing by the City Council.

6.3.B AUTHORIZED REASONS FOR REQUESTS

Any person or corporation or group of persons owning an interest in any real property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this Ordinance or the Planning and Zoning Commission or the City Council may, on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request.

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement, or change the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.

6.3.C PROCEDURE

The following procedure will be followed to amend, supplement, or change the Zoning Ordinance for the City of Bedford:

- (1) The Planning and Zoning Commission, or a committee thereof, shall hold a public hearing on any application for any amendment, supplement, or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission, or a committee thereof, on a proposed amendment,

supplement, or change shall be sent to all owners of real property lying within two hundred (200) feet of the property for which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved City tax roll.

- (2) An Official Public Hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the City of Bedford.
- (3) EXPIRATION OF APPLICATION FOR REZONING- In the event that the Commission has recommended against a proposed amendment, supplement, change, or modification in the boundaries of any zoning district, and such amendment or change has not been approved by the City Council as provided, such proposed amendment, supplement, change, or modification shall neither be submitted nor considered for recommendation by the Commission prior to the expiration of six (6) months from the date of the order of decision by the City Council against such zone change, unless conditions pertaining to property considered in the original application and/or property in the area have, in the opinion of the Planning and Zoning Commission, changed to such an extent as to justify a subsequent application prior to the expiration of six (6) months from the date of the original order or decision of the Planning and Zoning Commission.

6.3.D EXPIRATION OF APPLICATION FOR REZONING

In the event that the Commission has recommended against a proposed amendment, supplement, change or modification in the boundaries of any zoning district, and such amendment or change has not been approved by the City Council as provided, such proposed amendment, supplement, change, or modification shall neither be submitted nor considered for recommendation by the Commission prior to the expiration of six (6) months from the date of the order of decision by the City Council against such zone change, unless conditions pertaining to property considered in the original application and/or property in the area have, in the opinion of the Planning and Zoning Commission changed to such an extent as to justify a subsequent application prior to the expiration of six (6) months from the date of the original order or decision of the Planning and Zoning Commission.

Section 6.4 Board Of Adjustment: Procedure

6.4.A ESTABLISHMENT OF BOARD

A Board of Adjustment is hereby established, which shall consist of five (5) members and two (2) alternate members to be appointed by the City Council. Members must have resided within this city for twelve (12) consecutive months preceding the appointment. The term of office of said members shall be two (2) years. The board shall designate one (1) member as Chairman and one as Vice-Chairman. After the appointment of the original members thereof, all vacancies occurring on the Board of Adjustment shall be filled by appointment of the City Council. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. Each alternate member shall serve a term of two (2) years and shall serve as a member of the Zoning Board of Adjustment in the absence of the regular members.

6.4.B PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at

such other times as the board may determine. The Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the board.

6.4.C HEARINGS; APPEALS; NOTICE

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board of Adjustment a notice of appeal specifying the ground thereof. The administrative official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

6.4.D STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken, and on due cause shown.

Section 6.5 The Board of Adjustment: Powers and Duties

6.5.A ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officials in the enforcement of this Ordinance.

6.5.B SPECIAL EXCEPTIONS

Conditions Governing Applications and/or Procedures - To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are granted, and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

- (1) A special exception shall not be granted by the Board of Adjustment unless and until:
 - a. Written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
 - b. Notice shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which special exception is sought or his/her agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special

exception is sought at the City Hall and one other public place at least fifteen (15) days prior to the public hearing.

- c. The public hearing shall be held. Any party may appear in person or by agent or attorney.
 - d. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
- (2) In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 6.9, Penalties for Violation of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

6.5.C VARIANCES AND PROCEDURES

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - a. That the variance is not contrary to the public interest;
 - b. That due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship;
 - c. That by granting the variance the spirit of the ordinance is observed; and
 - d. That substantial justice will be realized by granting of the variance.
- (2) Notice of public hearing shall be given as in Section 6.5.B.2 above.
- (3) The public hearing shall be held. Any party may appear in person, by agent, or by attorney.
- (4) The Board of Adjustment shall make findings that the requirements of Section 6.5 A have been met by the applicant for a variance.
- (5) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (6) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (7) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 6.9 Penalties for Violation of this ordinance.
- (8) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

6.5.D DECISIONS OF THE BOARD OF ADJUSTMENT

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this ordinance.

6.5.E RECONSIDERATION OF A DENIED VARIANCE OR SPECIAL EXCEPTION

In the event that the Zoning Board of Adjustment has denied a variance or special exception, a Board member who voted on the prevailing side of the motion may move to reconsider the case at a regularly scheduled meeting of the Board within sixty (60) days of the denial. The motion to reconsider only requires a simple majority vote of the Board; however, any subsequent motion to approve a variance requires the four (4) affirmative votes as described above.

6.5.F REAPPLICATION FOR A DENIED VARIANCE OR SPECIAL EXCEPTION

In the event that the Zoning Board of Adjustment has denied a variance or special exception, the same request shall not be resubmitted for approval by the Zoning Board of Adjustment prior to the expiration of six (6) months from the date of the denial, unless conditions pertaining to request and/or property in the area have, in the opinion of the Planning and Community Development Director, changed to such an extent as to justify a subsequent application prior to the expiration of six (6) months from the date of the original denial. If the Planning and Community Development Director determines that a variance or special exception request has been modified sufficiently to be deemed a new and different case than the one denied, there is no waiting period for reapplication or reconsideration of a different request on the same property as a previous denial.

Section 6.6 Appeals From the Board of Adjustment

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the State.

Section 6.7 Repeal

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

Section 6.8 Separability Clause

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 6.9 Penalties for Violation

6.9.A GENERALLY

Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than ten (10) dollars nor more than the amount allowed to be

imposed under state law. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

6.9.B COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 6.10 Schedule of Fees, Changes, and Expenses

6.10.A ESTABLISHMENT OF FEES

The City Council shall establish a schedule of fees, changes, and expenses, and a collection procedure, for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees posted in the office of the administrative official and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless or until such costs, changes, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.